

5
364.4
615

STATE OF MONTANA



1970

STATE COMPREHENSIVE PLAN

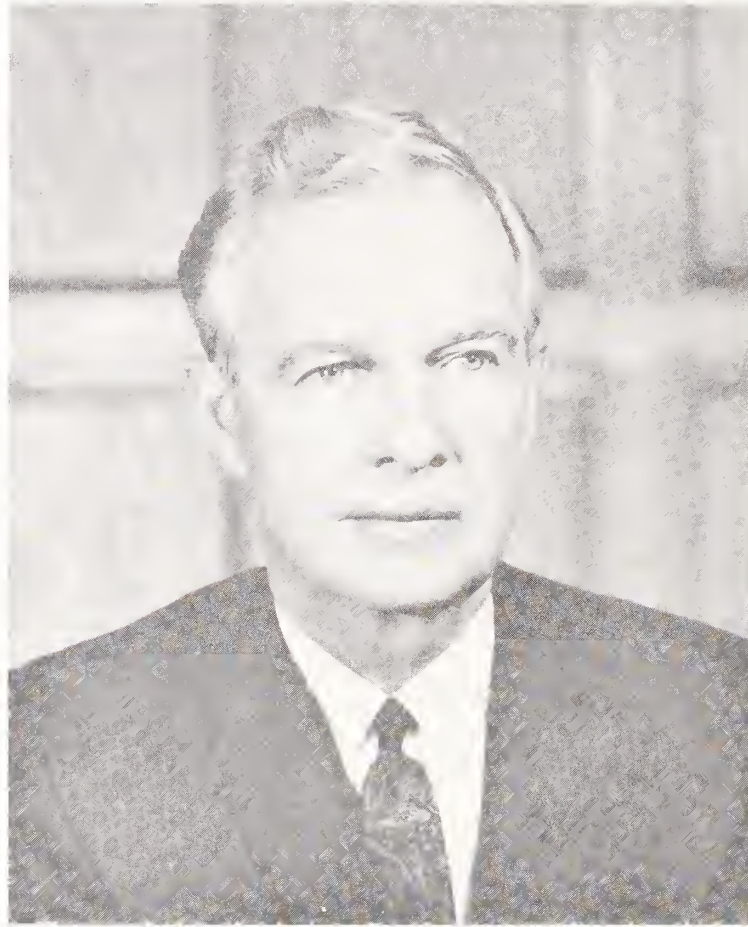
FOR

POLICE — COURTS — CORRECTIONS

VOLUME I

GOVERNOR'S

CRIME CONTROL COMMISSION



This document addresses the problem of crime in Montana. One cannot judge crime with ready-made opinions. Its philosophy is more complicated than most people think. Some crimes victimize only the offender. Others cause damage, torment and loss to many people. The people's safety, liberty and freedom from fear and depredation are the business of Montana's criminal justice system — police, courts, and corrections. The Crime Control Commission, in its efforts to upgrade and improve our existing criminal justice system, credits a most compelling mandate:

"All persons are born equally free, and have certain natural, essential, and inalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties, of acquiring, possessing, and protecting property, and of seeking and obtaining their safety and happiness in all lawful ways."

FORREST H. ANDERSON
Governor of Montana

Form LEAA 4
(Ed. 3-]-69)

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
U. S. DEPARTMENT OF JUSTICE

Washington, D. C.

APPLICATION FOR ACTION GRANT

Application Is Hereby Made For A Grant In The Amount Of \$689,700.00, Under Title I, Part C, Of The Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351, 82 Stat. 197) For Fiscal Year 1970.

By

MONTANA

1. This application is supported by:

The attached revised comprehensive plan dated April 15, 1970.

2. Identifying data:

- a. State Law Enforcement Planning Agency:

Governor's Crime Control Commission
1336 Helena Avenue
Helena, Montana 59601

Telephone: AC 406 - 449-3604

- b. Planning Agency Administrator:

Brinton B. Markle, Executive Director
Governor's Crime Control Commission
1336 Helena Avenue
Helena, Montana 59601

Telephone: AC 406 - 449-3604

c. Financial Officer:

Keith C. Colbo, Budget Director
1336 Helena Avenue
Helena, Montana 59601

Telephone: AC 406 - 449-3604

3. The undersigned represents, on behalf of the applicant agency that:
- a. Any grant awarded pursuant to this application shall be subject to and will be administered in conformity with the (i) Conditions Applicable to the Fiscal Administration of Grants under Part C, Title I, of P.L. 90-351, and (ii) General Conditions Applicable to Administration of Grants under Part C, Title I, of P.L. 90-351, as set forth in the text attached.
 - b. Funds awarded will be used only for the programs described in the Section entitled "Annual Action Plan" as set forth in the Comprehensive Law Enforcement Plan appended as Attachment D or in any amendment thereto duly filed with and approved by the Law Enforcement Assistance Administration.
 - c. Not more than one-third of the gross amount of this grant will be expended for compensation of personnel, exclusive of compensation for time engaged in conducting or undergoing training programs.
 - d. Any grant funds so expended for compensation of personnel will be matched by State or local expenditures for increased personnel compensation of equal amount.
4. The State planning agency hereby assures that it will comply with and will insure compliance by its subgrantees and contractors with Title VI of the Civil Rights Act of 1964 and all requirements imposed by or pursuant to regulations of the Department of Justice (28 C.F.R. Part 42) issued pursuant to that title, to the end that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance from the Department of Justice.

5. This application (submitted in 15 copies) consists of the following in addition to this form:

Attachment A: List of Action Programs for which grant support is requested

Attachment B: General Conditions

Attachment C: Fiscal Administration Conditions

Attachment D: 1970 Comprehensive Law Enforcement Plan

BRINTON B. MARKLE
Executive Director

Date: April 15, 1970



Digitized by the Internet Archive
in 2015

A T T A C H M E N T A

ATTACHMENT A

LIST OF ACTION PROGRAMS FOR WHICH 1970 GRANT SUPPORT IS REQUESTED

STATE OF MONTANA

Short Program Title	1970 REQUEST			1969 Fund Support
	Estimated Total Cost	Federal Share	State and Local Share	
A. <u>UPGRADING LAW ENFORCEMENT PERSONNEL</u>				
(1) Law Enforcement Education & Training	\$ 233,400	\$140,000	\$ 93,400	\$ 39,300
(2) Montana Peace Officers Standards & Training	22,900	13,700	9,200	4,800
B. <u>PREVENTION OF CRIME (INCLUDING PUBLIC EDUCATION)</u>				
(1) Public Education & Community Relations Training	25,000	15,000	10,000	6,000
(2) Alcohol, Narcotics and Drug Abuse Education, Prevention, Rehabilitation & Control	41,700	25,000	16,700	-0-
C. <u>PREVENTION & CONTROL OF JUVENILE DELINQUENCY</u>				
(1) Development of Youth Service System	108,350	65,000	43,350	-0-

(cont'd)

LIST OF ACTION PROGRAMS FOR WHICH 1970 GRANT SUPPORT IS REQUESTED

STATE OF MONTANA

Short Program Title	1970 REQUEST			1969 Fund Support
	Estimated Total Cost	Federal Share	State and Local Share	
D. <u>IMPROVEMENT OF DETECTION & APPREHENSION OF CRIMINALS</u>				
(1) Upgrading Law Enforcement Communications	\$ 408,400	\$245,000	\$163,400	\$ 32,000
(2) Equipment Assistance	58,400	35,000	23,400	6,000
E. <u>IMPROVEMENT OF PROSECUTION & COURT ACTIVITIES, & LAW REFORM</u>				
(1) Improvement of Courts, Including Prosecution & Defense	58,400	35,000	23,400	-0-
F. <u>INCREASE IN EFFECTIVENESS OF CORRECTION & REHABILITATION (INCLUDING PROBATION & PAROLE)</u>				
(1) Probation & Parole Manpower & Training	83,400	50,000	33,400	-0-
(2) Professional Development of Corrections Institution Personnel	53,350	32,000	21,350	8,400
(3) Indian Reservation & Indian Community Court, Corrections & Rehabilitation Program	13,350	8,000	5,350	-0-

(cont'd)

LIST OF ACTION PROGRAMS FOR WHICH 1970 GRANT SUPPORT IS REQUESTED

STATE OF MONTANA

Short Program Title	1970 REQUEST			
	Estimated Total Cost	Federal Share	State and Local Share	1969 Fund Support
G. <u>REDUCTION OF ORGANIZED CRIME</u>	-0-	-0-	-0-	-0-
H. <u>PREVENTION & CONTROL OF RIOTS & CIVIL DISORDERS</u>	-0-	-0-	-0-	-0-
I. <u>IMPROVEMENT OF COMMUNITY RELATIONS</u>	-0-	-0-	-0-	-0-
J. <u>RESEARCH & DEVELOPMENT (INCLUDING EVALUATION)</u>				
(1) Development of Criminal Statistics & Criminal Justice Information Systems	43,400	26,000	17,400	3,500
TOTALS	\$1,150,050	\$689,700	\$460,350	\$100,000

ATTACHMENT B

GENERAL CONDITIONS APPLICABLE TO ADMINISTRATION OF GRANTS UNDER PART C, TITLE I, P.L. 90-351

1. Reports. Each grantee shall submit such reports as the Law Enforcement Assistance Administration shall reasonably request.
2. Copyrights. Where planning agency programs produce original books, manuals, films, or other copyrightable material, the grantee may copyright such, but the Administration reserves a royalty-free, nonexclusive and irrevocable license to reproduce, publish, translate or otherwise use, and to authorize others to publish and use such materials.
3. Patents. If any discovery or invention arises or is developed in the course of or as a result of work performed in a grantee program, the grantee shall refer the discovery or invention to the Administration, which will determine whether or not patent protection will be sought, how any rights therein, including patent rights, will be disposed of and administered, and the necessity of other action required to protect the public interest in work supported with Federal funds, all in accordance with the Presidential Memorandum of October 10, 1963, on Government Patent Policy.

4. Discrimination Prohibited. No person shall, on the grounds of race, creed, color or national origin, be excluded from participation in, be refused the benefits of, or be otherwise subjected to discrimination under grants awarded pursuant to P.L. 90-351 or any project, program, activity, or subgrant supported by such grants. Grantees must comply with the provisions and requirements of Title VI of the Civil Rights Act of 1964 and regulations issued by the Department of Justice thereunder as a condition of award of Federal funds and continued grant support. This grant condition shall not be interpreted to require the imposition in state plans or planning agency subgrant programs of any percentage ratio, quota system, or other program to achieve racial balance or eliminate racial imbalance in a law enforcement agency.

5. Termination of Aid. Grants under Part C may be terminated or fund payments discontinued by the Administration where it finds a substantial failure to comply with the provisions of the Act or regulations promulgated thereunder, including these grant conditions, or plan or application obligations, but only after notice and hearing and pursuant to all procedures set forth in Sections 510 and 511 of the Act.

6. Special Review of Construction Programs. In conformity with Section 522 of the Act, the State will not release any grant funds for plans or programs involving the acquisition or construction of law enforcement facilities, without submission of such programs to area-wide agencies as provided in Section 204(a) of the Demonstration Cities and Metropolitan Development Act of 1966 for receipt of comments and recommendations.

ATTACHMENT C

CONDITIONS APPLICABLE TO THE FISCAL ADMINISTRATION OF GRANTS UNDER PART C, TITLE I, P.L. 90-351

Accounting and Records

1. Responsibility of State Agency. The Governor's Crime Control Commission will establish fiscal control and fund accounting procedures which assure proper disbursement of, and accounting for, grant funds and required non-Federal expenditures. This requirement will apply to funds disbursed by units of local government as well as to funds disbursed in direct operations of the Governor's Crime Control Commission.
2. Recording and Documentation of Receipts and Expenditures. Accounting procedures will provide for an accurate and timely recording of receipt of funds by source, of expenditures made from such funds, and of unexpended balances. Controls will be established which are adequate to insure that expenditures charged to grant activities are for allowable purposes and that documentation is readily available to verify that such charges are accurate.
3. Applicability of State and Local Practices. Except where inconsistent with Federal requirements, state

procedures and practices will apply to funds disbursed by the state agency and local procedures and practices to funds disbursed by such units. Bureau of the Budget Circular No. A-87, "Principles for Determining Costs Applicable to Grants and Contracts with State and Local Government", will be complied with by grantees with respect to the treatment of specific items and their cost allowability.

4. Inspection and Audit. Accounts and records of the Governor's Crime Control Commission and of local units of government which disburse or utilize grant funds will be accessible to authorized federal and state officials for the purpose of audit examination.
5. Maintenance of Records. All required records will be maintained until (1) an audit is completed and all questions arising therefrom are resolved, or, (2) for three years after completion of a project, whichever is sooner.

Payment of Funds

6. The Governor's Crime Control Commission will comply with the letter of credit system pursuant to rules and procedures as to establishment, withdrawals, etc., issued by the Administration.

Allowable Costs

7. The allowability of charges made to funds granted under Part C of Title I of the Act will be determined in accordance with the general principles of allowability and standards for selected cost items set forth in Bureau of the Budget Circular No. A-87 entitled, "Principles for Determining Costs Applicable to Grants and Contracts with State and Local Government" (May 9, 1968) as interpreted and amplified in Section III of the LEAA Financial Guide (May, 1969).

Financial Reports

8. The Governor's Crime Control Commission will submit on forms prescribed by LEAA, an annual progress report, quarterly and annual expenditure reports and such other reports as LEAA may reasonably require.

Fiscal Regulations

9. The fiscal administration of grant awards to and by the Governor's Crime Control Commission will be subject to such further rules, regulations, and policies concerning accounting and records, payment of funds, cost allowability, submission of financial reports, etc., as may be prescribed by the administration

consistent with the purposes and authorizations of
P.L. 90-351, including those set forth in the LEAA
Financial Guide.

TABLE OF CONTENTS

	Page
A. <u>LAW ENFORCEMENT NEEDS, PROBLEMS AND PRIORITIES</u>	1
1. CRIME RATES IN MONTANA	18
2. QUANTITATIVE AND QUALITATIVE ASSESSMENT OF THE MONTANA CRIMINAL JUSTICE SYSTEM	20
a. Offender Flow	22
b. Personnel	22
c. Expenditure	22
3. SOCIAL CHARACTERISTICS OF MONTANA'S FOUR LARGEST CITIES	27
4. CRIMINAL STATISTICS	32
5. POLICE AND SHERIFFS	35
a. Education and Training	35
b. Manpower--Salaries--Recruitment	53
c. Law Enforcement Communications-- Information--Equipment	67
(1) Communications and Information	67
(2) Equipment	75
6. COURTS	77
7. CORRECTIONS	80
a. Recidivism	81
b. Educational Background of Correctional Workers	94
c. Employment Data	99
d. Job Orientation and In-Service Training	101
e. Duration of Orientation Training	102
f. In-service Training	102

	Page
g. Nature of Training	103
h. Nature of Past Training	104
i. State and National Conference Attendance	105
j. Attitude Toward Training Programs	106
k. Usefulness of Future Training	107
l. Topic Areas	108
m. Meeting the Correctional Training Program in Montana	112
8. JUVENILE DELINQUENCY AND THE JUVENILE JUSTICE SYSTEM	116
9. MONTANA'S MINORITY GROUP	127
a. The Indian Governments	128
b. Law Enforcement and Criminal Jurisdiction	128
c. Criminal Statistics	129
10. ALCOHOLISM	140
B. <u>EXISTING LAW ENFORCEMENT SYSTEMS & AVAILABLE RESOURCES</u>	144
1. THE MONTANA HIGHWAY PATROL	145
2. COUNTY SHERIFFS AND CITY POLICE DEPARTMENTS	148
3. CONSTABLES	152
4. EXTENT OF JURISDICTION AND COOPERATION BETWEEN LAW ENFORCEMENT AGENCIES	154
5. STATE-LOCAL COOPERATION AND STATE AID TO LOCAL LAW ENFORCEMENT AGENCIES	157
6. MONTANA CORRECTIONAL INSTITUTIONS	162
a. Department of Institutions	162

	Page
b. Juvenile Aftercare	162
c. Mountain View School	163
d. Montana Pine Hills School	165
e. Swan River Youth Forest Camp	166
f. Montana State Prison	167
g. The Board of Pardons	173
7. PROSECUTION AND DEFENSE	183
a. Prosecution	183
(1) The State Attorney General's office	183
(2) Local County Attorney Offices	186
(3) City Attorneys	187
b. Defense	187
(1) Public Defender	189
8. COURT SYSTEM	192
a. The Supreme Court	192
b. District Courts	192
c. Inferior Courts	193
d. The System in Operation	193
e. 1966 Supreme Court Study	194
f. The Work Load of the Justice Courts	198
g. The Work of Police Judges	199
C. <u>THE MULTI-YEAR PLAN</u>	200
1 & 2. GENERAL STATEMENT & MULTI-YEAR BUDGET AND FINANCIAL PLAN	207
a. Upgrading Law Enforcement Personnel	209

	Page
(1) Education and Training	210
(2) Salary Schedules	211
(3) Peace Officer Standards and Training (POST)	212
(4) Manpower	212
b. Prevention of Crime (Including Public Education)	215
c. Prevention and Control of Juvenile Delinquency	218
d. Improvement of Detection and Apprehension of Criminals	221
e. Improvement of Prosecution, Court Activities and Law Reform	225
f. Increase in Effectiveness of Correction and Rehabilitation (including Probation and Parole)	229
g. Reduction of Organized Crime	232
h. Prevention and Control of Riots and Civil Disorders	234
i. Improvement of Community Relations	236
j. Research and Development	238
3. MULTI-YEAR FORECAST OF RESULTS AND ACCOMPLISHMENTS	243
D. <u>THE ANNUAL ACTION PROGRAM</u>	254
1. GENERAL STATEMENT	256
a. Upgrading Law Enforcement Personnel	257
b. Prevention of Crime (Including Public Education)	258
c. Prevention and Control of Juvenile Delinquency	259

	Page
d. Improvement of Detection and Apprehension of Criminals	260
e. Improvement of Prosecution and Court Activities and Law Reform	261
f. Increase in Effectiveness of Correction and Rehabilitation (including Probation and Parole)	262
g. Reduction of Organized Crime	263
h. Prevention and Control of Riots and Civil Disorders	264
i. Improvement of Community Relations	265
j. Research and Development (Including Evaluation)	266
2. PROGRAM DESCRIPTIONS	269
a. Upgrading Law Enforcement Personnel	269
(1) Law Enforcement Education and Training	269
(2) Montana Peace Officer Standards and Training (POST)	275
b. The Prevention of Crime (Including Public Education)	279
(1) Public Education and Community Relations Training	279
(2) Alcohol, Narcotics and Drug Abuse Education, Prevention, Rehabilitation and Control	283
c. Prevention and Control of Juvenile Delinquency	287
(1) Development of a Youth Service System	287
d. Improvement of Detection and Apprehension of Criminals	290
(1) Upgrading Law Enforcement Communications	290
(2) Equipment Assistance	295

	Page
e. Improvement of Prosecution, Court Activities and Law Reform	300
(1) Improvement of Courts including Prosecution and Defense	300
f. Increase effectiveness of corrections and Rehabilitation (Including Probation and Parole)	303
(1) Probation and Parole Manpower and Training	303
(2) Professional Development of Corrections Institution Personnel	306
(3) Indian Reservation and Indian Community, Court Corrections and Rehabilitation Program	309
g. Reduction of Organized Crime	313
h. Riots and Civil Disorders	314
i. Improvement of Community Relations	315
j. Research and Development	316
(1) Development of Criminal Statistics and Criminal Justice Information Systems	316
3. COMPLIANCE WITH FUNDING LIMITATIONS	323
a. Funds Available to Local Units	324
b. Construction Costs	324
c. Personnel Compensation	324
E. <u>ORGANIZATIONAL AND ADMINISTRATIVE STRUCTURE FOR PLAN IMPLEMENTATION</u>	325
1. AGENCY ORGANIZATION	326
a. Structure	327
b. Staffing	328
c. Supervisory Board Composition	335
d. Representative Character--State Supervisory Board	337

	Page
e. Supervisory Board Operation	339
f. Basic Authorization	340
2. AGENCY OPERATIONS AND PROCEDURES	349
a. Plan Development	350
b. Plan Implementation and Subgrant Administration	359
c. Sub-grant Denial or Termination	365
3. FUND AVAILABILITY PLAN FOR LOCALITIES	367
F. <u>RELATED PLANS AND SYSTEMS</u>	385
1. JUVENILE DELINQUENCY	386
2. MODEL CITIES AND URBAN RENEWAL	389
a. State Planning	391
b. Rehabilitation	394
c. Health and Mental Health	395
d. Education	396
3. HIGHWAY SAFETY ACT - 1966	397
G. <u>PLAN CONFORMITY WITH MISCELLANEOUS STATUTORY REQUIREMENTS</u>	399
1. LOCAL PARTICIPATION AND FUND BALANCE	401
2. TECHNICAL ASSISTANCE AND SERVICES	403
3. UTILIZATION OF SERVICES, FACILITIES AND EQUIPMENT	407
4. STATE ASSUMPTION OF COSTS	410
5. USE OF FEDERAL FUNDS TO SUPPLEMENT STATE OR LOCAL FUNDS	412
6. ALLOCATIONS TO SUBSTANTIVE AREAS OF LAW ENFORCEMENT	415

APPENDIX

	Page
Attachment I: Subgrant Application and Procedure	419
Attachment II: Grant Award Notification and Acceptance	452
Attachment III: Action Grant Fiscal Report GCCC Form 90	456
Attachment IV: Grantees' Request for Funds GCCC Form 100	464
Attachment V: Application for Planning Grants GCCC Form 91	466
Attachment VI: Narrative Progress Report GCCC Form 99	471

SECTION A

	Page
<u>LAW ENFORCEMENT NEEDS, PROBLEMS AND PRIORITIES</u>	
1. CRIME RATES IN MONTANA	18
2. QUANTITATIVE AND QUALITATIVE ASSESSMENT OF THE MONTANA CRIMINAL JUSTICE SYSTEM	20
3. SOCIAL CHARACTERISTICS OF MONTANA'S FOUR LARGEST CITIES	27
4. CRIMINAL STATISTICS	32
5. POLICE AND SHERIFFS	35
6. COURTS	37
7. CORRECTIONS	80
8. JUVENILE DELINQUENCY AND THE JUVENILE JUSTICE SYSTEM	116
9. MONTANA'S MINORITY GROUP	127
10. ALCOHOLISM	140

A. LAW ENFORCEMENT NEEDS, PROBLEMS AND PRIORITIES

Montana is the fourth largest of the United States. The total area (land and water) is 147,138 square miles; land area is 145,878 square miles. A concept of the size of Montana can be gained by noting that its land area is greater than that of the New England states, New York, New Jersey, Maryland and Delaware combined. The average width of Montana is 275 miles, the average breadth is 535 miles.

The estimated population in 1964 was 702,000--42nd in the United States. Montana's population density is approximately five people per square mile. The 1960 census indicated that just over half of its people lived in cities or suburban clusters of over 2,500 population. Urbanization continues steadily as Montana's population shifts slowly from the rural areas to towns. The population of five of Montana's largest cities, according to a reasonable projection, should increase 30 per cent by 1980.

It is interesting to note that this 1960 census shows that 57 per cent (384,735) of the people lived in Montana's 58 cities (of which eight were over 10,000 population; five were between 5,000-10,000; and 45 were under between 1,000-5,000). Communities below 1,000 persons are classified as towns. 441 towns had a total population of

68,068 persons, or 11 per cent of the state's population. Therefore, 32 per cent, or 121,964 persons did not live in either a city or a town in 1960.

In Montana's population today, there are more than 23,700 Indians. Approximately 22,700 live on the 7 Indian reservations and about 1,000 live "off reservations".

The low density of population in 49 of Montana's 56 counties presents many unusual problems for government organization and finance. The geographic median income of families living on a total income of less than \$3,000 per year (1960) would indicate that many counties have a restricted tax base and that financing local governments would present problems in these areas.

The charts on the following pages indicate population trends and progressions.

At least one trend is indicated in these charts and tables, which may affect Montana's criminal justice system:

POPULATION STATISTICS, MONTANA

	Projected 1970	1960	1950	1940	1930
Montana Total	771,219	674,767	591,024	559,456	537,606
Beaverhead	7,938	7,194	6,671	6,943	6,654
Big Horn	10,214	10,007	9,824	10,419	8,543
Blaine	7,346	8,091	8,516	9,566	9,006
Broadwater	2,624	2,804	2,922	3,451	2,738
Carbon	6,400	8,317	10,241	11,865	12,571
Carter	2,143	2,493	2,798	3,280	4,136
Cascade	102,993	73,418	53,027	41,999	41,146
Chouteau	7,077	7,348	6,974	7,316	8,635
Custer	13,249	13,227	12,661	10,422	11,242
Daniels	3,258	3,755	3,946	4,563	5,533
Dawson	15,433	12,314	9,092	8,618	9,881
Deer Lodge	19,640	18,640	16,553	13,627	16,293
Fallon	4,216	3,997	3,660	3,719	4,568
Fergus	13,554	14,018	14,015	14,040	16,531
Flathead	32,538	32,965	31,495	24,271	19,200
Gallatin	32,653	26,045	21,902	18,269	16,124
Garfield	1,736	1,981	2,172	2,641	4,252
Glacier	13,285	11,565	9,645	9,034	5,297
Golden Valley	1,050	1,203	1,337	1,607	2,126
Granite	3,090	3,014	2,773	3,401	3,013
Hill	23,173	18,653	14,285	13,304	13,775
Jefferson	4,580	4,297	4,014	4,664	4,133
Judith Basin	2,797	3,085	3,200	3,655	5,238
Lake	11,902	13,104	13,835	13,490	9,541
Lewis and Clark	32,009	28,006	24,540	22,131	18,224
Liberty	2,926	2,624	2,180	2,209	2,198
Lincoln	17,391	12,537	8,693	7,882	7,089
McCone	3,185	3,321	3,258	3,798	4,790
Madison	4,295	5,211	5,998	7,294	6,323
Meagher	3,369	2,616	2,079	2,237	2,272
Mineral	4,500	3,037	2,081	2,135	1,626

(cont'd)

POPULATION STATISTICS, MONTANA

	Projected 1970	1960	1950	1940	1930
Missoula	58,324	44,663	35,493	29,038	21,782
Musselshell	4,112	4,888	5,408	5,717	7,242
Park	13,971	13,168	11,999	11,566	10,922
Petroleum	783	894	1,026	1,083	2,045
Phillips	5,429	6,027	6,334	7,892	8,208
Pondera	8,143	7,653	6,392	6,716	6,964
Powder River	2,188	2,485	2,693	3,159	3,909
Powell	7,717	7,002	6,301	6,152	6,202
Prairie	2,081	2,318	2,377	2,410	3,941
Ravalli	11,225	12,341	13,101	12,978	10,315
Richland	10,015	10,504	10,366	10,209	9,633
Roosevelt	13,043	11,731	9,580	9,806	10,672
Rosebud	5,638	6,187	6,570	6,477	7,347
Sanders	6,523	6,880	6,983	6,926	5,692
Sheridan	5,754	6,458	6,674	7,814	9,869
Silver Bow	42,272	46,454	48,422	53,207	56,969
Stillwater	5,231	5,526	5,416	5,694	6,253
Sweet Grass	2,814	3,290	3,621	3,719	3,944
Teton	6,928	7,295	7,232	6,922	6,068
Toole	8,376	7,904	6,867	6,769	6,714
Treasure	1,232	1,345	1,402	1,499	1,661
Valley	27,715	17,080	11,353	15,181	11,181
Wheatland	2,661	3,026	3,187	3,286	3,751
Wibaux	1,448	1,698	1,907	2,161	2,767
Yellowstone	107,034	79,016	55,875	41,182	30,785
Yellowstone Nat'l Park (Part)		47	58	43	52

Source: U. S. Department of Commerce, Bureau of the Census; Projections by W. D. Diehl,
Director, Bureau of Business and Economic Research, University of Montana.

POPULATION: RACE BY COUNTY, MONTANA 1960

County	White	Negro	Indian	Japanese	Chinese	Filipino	Other Races
Montana Total	650,738	1,467	21,181	589	240	253	299
Beaverhead	7,159	1	25	7	0	1	1
Big Horn	6,584	14	3,334	53	0	4	18
Blaine	6,370	14	1,701	4	0	1	1
Broadwater	2,803	0	0	1	0	0	0
Carbon	8,300	2	5	8	0	0	2
Carter	2,489	0	4	0	0	0	0
Cascade	71,859	517	748	115	26	106	47
Chouteau	7,230	0	113	2	0	0	3
Custer	13,087	18	89	19	1	6	7
Daniels	3,750	0	3	0	0	0	2
Dawson	12,292	2	14	4	0	1	1
Deer Lodge	18,387	102	124	0	6	13	8
Fallon	3,992	1	1	1	0	0	2
Fergus	13,958	12	38	4	3	0	3
Flathead	32,738	27	117	50	4	20	9
Gallatin	25,928	20	24	24	11	7	31
Garfield	1,980	0	1	0	0	0	0
Glacier	7,190	24	4,337	10	3	0	1
Golden Valley	1,203	0	0	0	0	0	0
Granite	2,990	0	22	0	0	0	2
Hill	17,400	24	1,156	47	17	1	8
Jefferson	4,236	4	50	1	0	0	6
Judith Basin	3,073	1	7	3	0	1	0
Lake	11,609	16	1,477	1	1	6	0
Lewis and Clark	27,516	71	368	7	31	4	9
Liberty	2,613	0	10	0	0	0	1
Lincoln	12,484	3	44	0	1	7	1
McCone	3,318	0	3	0	0	0	0
Madison	5,157	2	43	0	0	0	9
Meagher	2,605	5	5	1	0	0	0
Mineral	3,018	0	13	0	0	2	4

(cont'd)

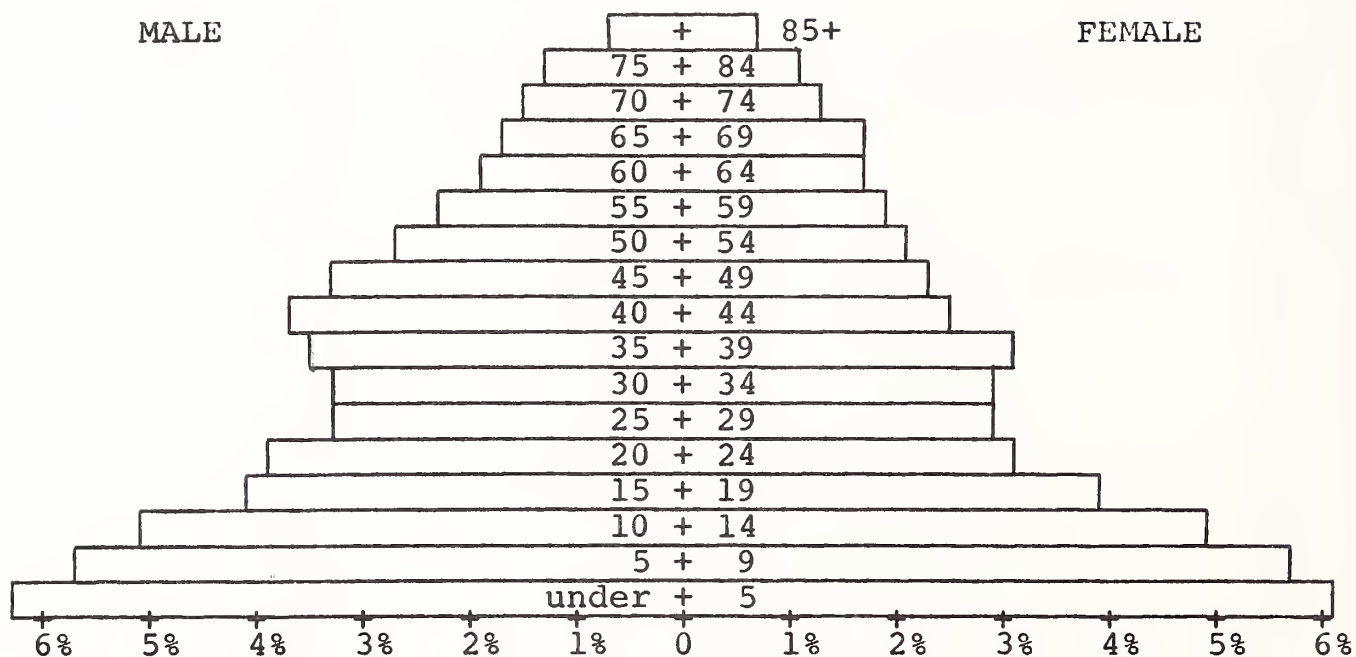
POPULATION: RACE BY COUNTY, MONTANA 1960

County	White	Negro	Indian	Japanese	Chinese	Filipino	Other Races
Missoula	44,153	54	376	27	30	3	20
Musselshell	4,876	3	6	2	1	0	0
Park	13,117	8	16	22	4	0	1
Petroleum	889	0	5	0	0	0	0
Phillips	5,710	3	303	8	0	0	3
Pondera	7,077	0	568	0	0	8	0
Powder River	2,452	0	14	4	7	2	6
Powell	6,843	16	127	11	0	1	4
Prairie	2,301	0	17	0	0	0	0
Ravalli	12,256	1	67	2	14	0	1
Richland	10,466	0	19	3	11	1	4
Roosevelt	8,958	11	2,733	18	1	0	10
Rosebud	4,834	7	1,344	2	0	0	0
Sanders	6,469	1	406	4	0	0	0
Sheridan	6,422	6	28	2	0	0	0
Silver Bow	46,127	82	151	6	17	51	14
Stillwater	5,511	1	12	1	0	0	1
Sweet Grass	3,290	0	0	0	0	0	0
Teton	7,253	1	34	0	0	0	7
Toole	7,851	1	38	8	1	1	4
Treasure	1,343	0	2	0	0	0	0
Valley	16,246	156	606	36	0	9	27
Wheatland	3,006	1	15	3	0	0	1
Wibaux	1,696	0	2	0	0	0	0
Yellowstone	78,227	235	410	68	50	6	20

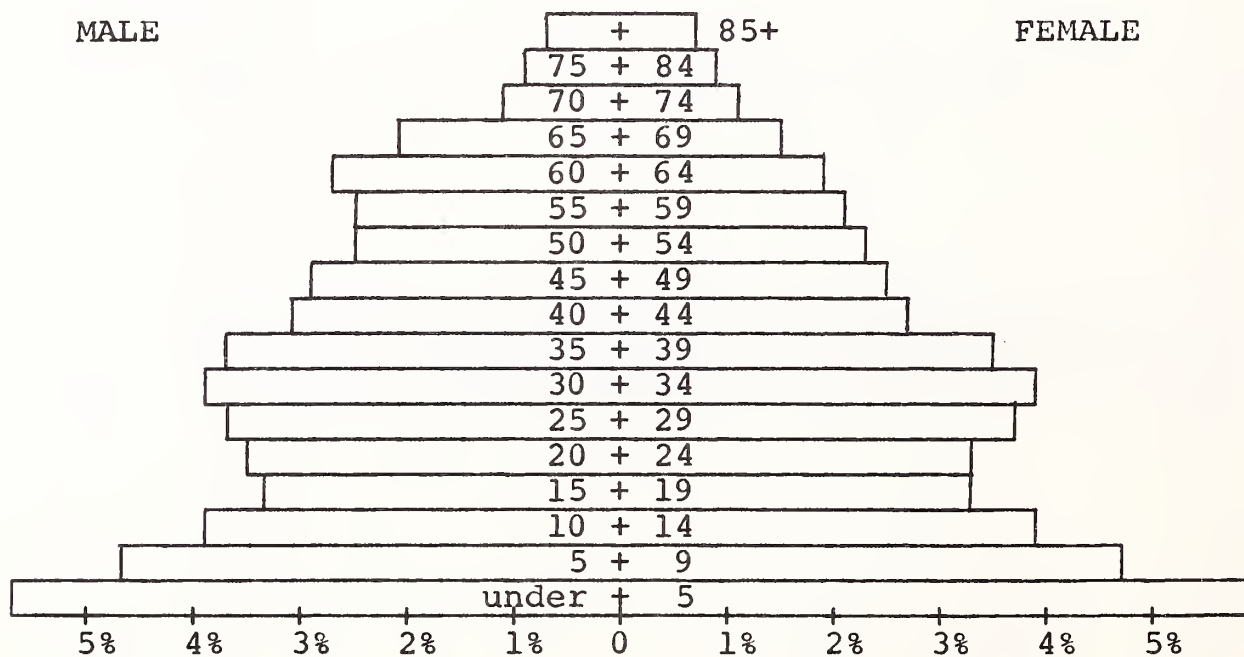
Source: U. S. Department of Commerce, Bureau of the Census, Census of Population, 1960.

PERCENT OF THE POPULATION IN EACH AGE GROUP BY SEX
FOR MONTANA 1950 AND 1960

1960



1950



% DISTRIBUTION OF POPULATION
BY AGE STRUCTURE IN MONTANA
1950 - 1976

65 & Over	### ### ##8.5% ###	### ### ##9.4% ###	### ### ##8.1% ###
45 - 64	::: :19.7% ::: ::: ::: ::: @@@	::: :18.7% ::: ::: ::: ::: @@@	::: :16.4% ::: ::: ::: ::: @@@
35 - 44	@@@ @13.6% @@@ @@@ @@@	@@@ @12.7% @@@ @@@ @@@	@@@ @8.8% @@@ @@@ ###
25 - 34	::: :15.0% ### @@@ @@@	::: :11.9% ::: @@@ @15.2%	::: ::: @@@ @17.5% @@@
14 - 24	@15.2% @@@ ::: ::: :::	@@@ ::: ::: ::: :::	::: ::: ::: ::: :::
Under 14	::: :28.0% ::: ::: :::	::: :32.1% ::: ::: :::	::: :35.0% ::: ::: :::
	1950	1960	1976

Migration and natural increase affect the age structure of a state which in turn influences the political, educational, and economic situation. Montana has experienced an increase in the proportion of its population under age 14 from 1950 to 1960, affecting the educational system. This is projected to continue through 1976.

A vital segment of the State's population, 25-64 age group, has been steadily decreasing proportionately since 1950 and is expected to continue to decrease in the future. This age group comprises the bulk of the labor force in Montana and is a major source of state revenue. The components of population change for Montana are shown in the following table.

Components of Population Increase by Color: 1950-1960
(In Thousands)

Pop. 1950	White Natural Increase	White net Migration	Non-White Natural Increase	Non-White net Migration	Pop. 1960
591	102	- 23	7	- 2	675

Source: North Star Research & Development Institute, Factors Influencing the Economic Growth Rate of Montana, 1964.

POPULATION OF INCORPORATED
AND UNINCORPORATED PLACES IN MONTANA
OF 1,000 OR MORE
SHOWING PERCENT OF INCREASE OR DECREASE
FROM 1950 TO 1960

PLACES	1960	1950	% INC. OR DEC.
Anaconda	12,054	11,254	7.1
Baker	2,365	1,772	33.5
Belgrade	1,057	663	59.4
Big Timber	1,660	1,679	- 1.1
Billings	52,851	31,834	66.0
Boulder	1,394	1,017	37.1
Bozeman	13,361	11,325	18.0
Browning	2,011	1,691	18.9
Butte	27,877	33,251	-16.2
Centerville-Dublin Gulch (u)	3,398	1,825	86.2
Chester	1,158	733	58.0
Chinook	2,326	2,307	.8
Choteau	1,966	1,618	21.5
Circle	1,117	856	30.5
Columbia Falls	2,132	1,232	73.1
Columbus	1,281	1,097	16.8
Conrad	2,665	1,865	42.9
Cut Bank	4,539	3,721	22.0
Deer Lodge	4,681	3,779	23.9
Dillon	3,690	3,268	12.9
East Helena	1,490	1,216	22.5
Eureka	1,229	929	32.3
Fairview	1,006	942	6.8
Floral Park (u)	4,079	---	--
Forsyth	2,032	1,906	6.6
Fort Benton	1,887	1,522	24.0
Glasgow	6,398	3,821	67.4
Glendive	7,058	5,254	34.3
Great Falls	55,357	39,214	41.2
Hamilton	2,475	2,678	- 7.6
Hardin	2,789	2,306	20.9
Harlem	1,267	1,107	22.6
Harlowton	1,734	1,733	.1
Havre	10,740	8,086	32.8
Helena	20,227	17,581	15.1
Kalispell	10,151	9,737	4.3
Laurel	4,601	3,663	25.6
Lewistown	7,408	6,573	12.7
Libby	2,828	2,401	17.8
Livingston	8,229	7,683	7.1
Malta	2,239	2,095	6.9

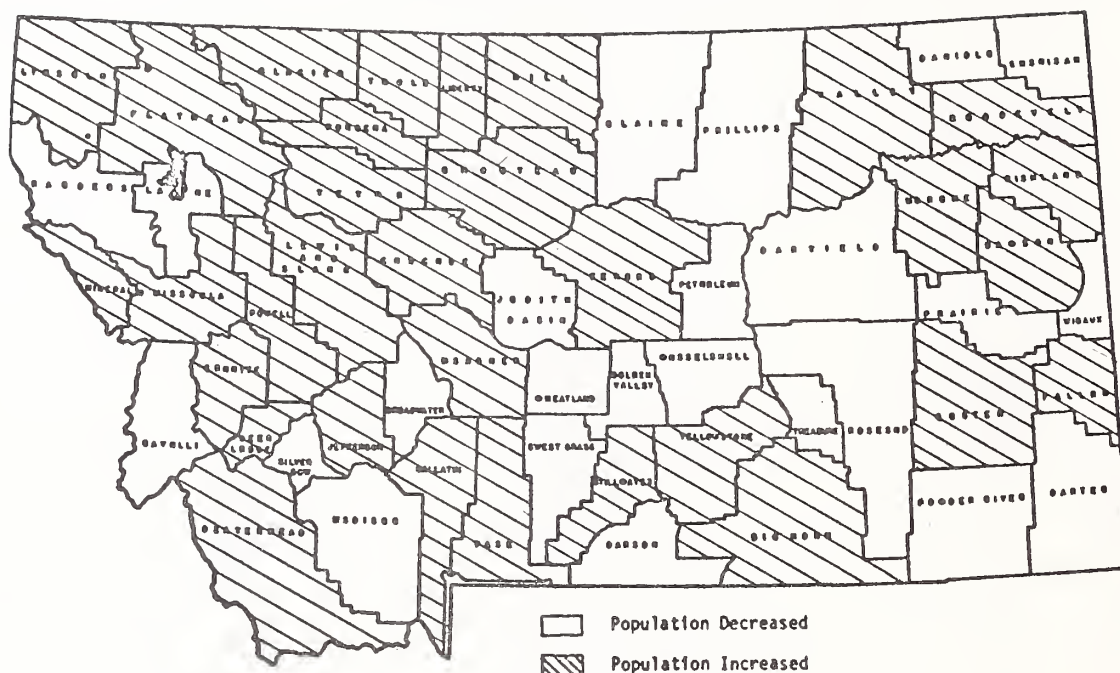
(cont'd)

POPULATION OF INCORPORATED
AND UNINCORPORATED PLACES IN MONTANA
OF 1,000 OR MORE
SHOWING PERCENT OF INCREASE OR DECREASE
FROM 1950 TO 1960

PLACES	1960	1950	% INC. OR DEC.
Meaderville-			
McQueen (u)	1,345	1,704	-21.1
Miles City	9,665	9,243	4.6
Missoula	27,090	22,485	20.5
North Havre (u)	1,168	---	--
Orchard Homes (u)	2,019	1,545	30.7
Philipsburg	1,107	1,048	5.6
Plentywood	2,121	1,862	13.9
Polson	2,314	2,280	1.5
Poplar	1,565	1,169	33.9
Red Lodge	2,278	2,730	-16.6
Ronan	1,334	1,251	6.6
Roundup	2,842	2,856	- .5
Scobey	1,726	1,628	6.0
Shelby	4,017	3,058	31.4
Sidney	4,564	3,987	14.5
Silver Bow Park (u)	4,798	---	--
Superior	1,242	626	98.4
Terry	1,140	1,191	- 4.3
Thompson Falls	1,274	851	49.7
Three Forks	1,161	1,114	4.2
Townsend	1,528	1,316	16.1
Walkerville	1,453	1,631	-10.9
Whitefish	2,965	3,268	- 9.3
White Sulphur Springs	1,519	1,025	48.2
Wolf Point	3,585	2,557	40.2

Source: U. S. Department of Commerce, Bureau of the
Census, Census of Population, 1960.

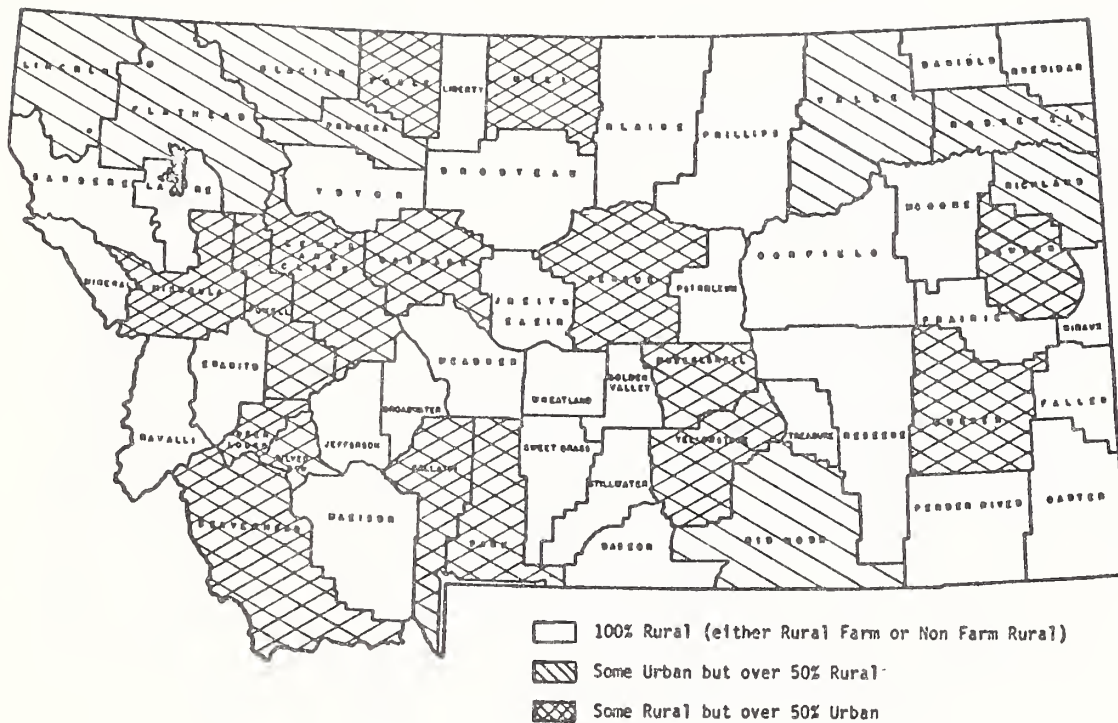
MONTANA POPULATION
RATE OF COUNTY INCREASE OR DECREASE
1950 - 1960



Beaverhead	7.8	Granite	8.7	Powell	11.1
Big Horn	1.9	Hill	30.6	Prairie	- 2.5
Blaine	- 5.0	Jefferson	7.1	Ravalli	- 5.8
Broadwater	- 4.0	Judith Basin	- 3.6	Richland	1.3
Carbon	-18.8	Lake	- 5.3	Roosevelt	22.5
Carter	-10.9	Lewis and Clark	14.1	Rosebud	- 5.8
Cascade	38.5	Liberty	20.4	Sanders	- 1.5
Chouteau	5.4	Lincoln	44.2	Sheridan	- 3.2
Custer	4.5	McCone	1.9	Silver Bow	- 4.1
Daniels	- 4.8	Madison	-13.1	Stillwater	2.0
Dawson	35.4	Meagher	25.8	Sweet Grass	- 9.1
Deer Lodge	12.6	Mineral	45.9	Teton	0.9
Fallon	9.2	Missoula	25.8	Toole	15.1
Fergus	0.0	Musselshell	- 9.6	Treasure	- 4.1
Flathead	4.7	Park	9.7	Valley	50.4
Gallatin	13.9	Petroleum	-12.9	Wheatland	- 5.1
Garfield	- 8.8	Phillips	- 4.9	Wibaux	-11.0
Glacier	19.9	Pondera	19.7	Yellowstone	41.4
Golden Valley	-10.0	Powder River	- 7.7		

Source: U. S. Department of Commerce, Bureau of the Census,
Census of Population, 1960.

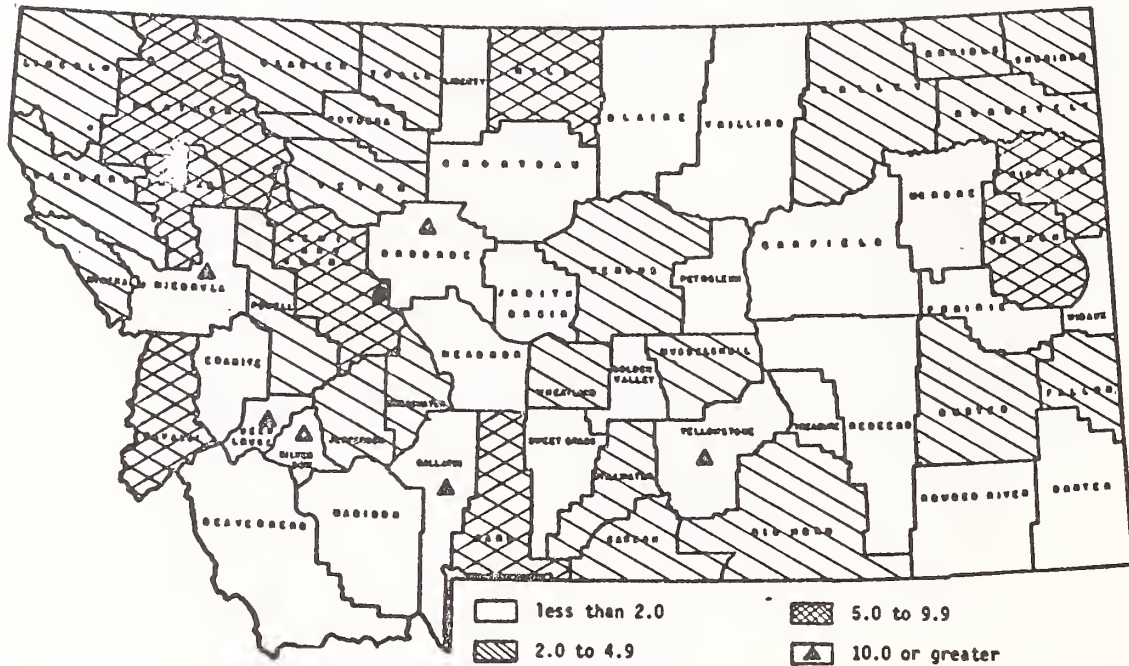
MONTANA
URBAN - RURAL POPULATION DISTRIBUTION
1960



County	% Urban	County	% Urban	County	% Urban
Beaverhead	51.3	Granite	--	Powell	66.9
Big Horn	27.9	Hill	57.6	Prairie	--
Blaine	--	Jefferson	--	Ravalli	--
Broadwater	--	Judith Basin	--	Richland	43.5
Carbon	--	Lake	--	Roosevelt	30.6
Carter	--	Lewis and Clark	72.2	Rosebud	--
Cascade	78.5	Liberty	--	Sanders	--
Chouteau	--	Lincoln	22.6	Sheridan	--
Custer	73.1	McCone	--	Silver Bow	86.4
Daniels	--	Madison	--	Stillwater	--
Dawson	57.3	Meagher	--	Sweet Grass	--
Deer Lodge	64.6	Mineral	--	Teton	--
Fallon	--	Missoula	69.2	Toole	50.8
Fergus	52.8	Musselshell	58.1	Treasure	--
Flathead	39.8	Park	62.5	Valley	37.5
Gallatin	51.3	Petroleum	--	Wheatland	--
Garfield	--	Phillips	--	Wibaux	--
Glacier	39.2	Pondera	34.8	Yellowstone	82.7
Golden Valley	--	Powder River	--		

Source: U. S. Department of Commerce Bureau of the Census,
County and City Data Book, 1967.

NUMBER OF PERSONS PER SQUARE MILE, MONTANA COUNTIES
1960



Beaverhead	1.3	Granite	1.7	Powell	3.0
Big Horn	2.0	Hill	6.4	Prairie	1.3
Blaine	1.9	Jefferson	2.6	Ravalli	5.2
Broadwater	2.3	Judith Basin	1.6	Richland	5.1
Carbon	4.0	Lake	8.7	Roosevelt	4.9
Carter	0.8	Lewis & Clark	8.1	Rosebud	1.2
Cascade	27.6	Liberty	1.8	Sanders	2.5
Chouteau	1.9	Lincoln	3.4	Sheridan	3.8
Custer	3.5	McCone	1.3	Silver Bow	64.9
Daniels	2.6	Madison	1.5	Stillwater	3.1
Dawson	5.2	Meagher	1.1	Sweet Grass	1.8
Deer Lodge	25.3	Mineral	2.5	Teton	3.2
Fallon	2.4	Missoula	17.1	Toole	4.1
Fergus	3.3	Musselshell	2.6	Treasure	1.4
Flathead	6.4	Park	5.0	Valley	3.4
Gallatin	10.3	Petroleum	0.5	Wheatland	2.1
Garfield	0.4	Phillips	1.2	Wibaux	1.9
Glacier	3.9	Pondera	4.7	Yellowstone	30.0
Golden Valley	1.0	Powder River	0.8		

Source: U. S. Department of Commerce, Bureau of the Census,
Census of Population, 1960.

Almost 42 per cent of Montana's population is 18 years of age or younger. Juvenile delinquency, teenage marriages and divorces, overcrowded colleges, schools, recreation areas, and the possibility of limited economic opportunities for young people in the State of Montana, not to mention the mobility and unrest of our young adults, may well combine to place unprecedented pressures upon Montana's juvenile and criminal justice system.

It is necessary, during 1970, to study the ability of the juvenile and criminal justice system to function and respond to the impact of such a large young adult population. The need exists to gather up-to-date population statistics and to compile juvenile delinquency data.

Summarizing population trends, Montana has a larger proportion of young people, a deficiency in the productive ages, and a larger proportion of older people than the nation. The probability is rather high that the deficiency in the productive ages will continue, since migration is taking a considerable toll in the young productive ages.

Despite the movement out, Montana gained 25 per cent in total population during the 30-year period 1930-1960.

The increases are in the older ages, in the number of women, and in the young ages.

During the decade from 1950 to 1960, Montana gained 14.2 per cent in population due to higher fertility and greater longevity. The young and the old populations

increased 34 and 29 per cent, respectively. In contrast, the population in the productive ages increased less than 1 per cent.

	Page
1. CRIME RATES IN MONTANA	18

1. CRIME RATES IN MONTANA, 1969.

The following table is compiled from the Uniform Crime Reports published by the Federal Bureau of Investigation. These reports contained data from Montana's four largest cities: Billings, Butte, Great Falls, and Missoula, and from 19 other cities and towns in the state. According to the 1960 census, these localities embrace some 291,000 people--about 42 per cent of the state's population. Other statistics in the UCR do not indicate how many counties of Montana's 56 actually filed crime reports with the FBI. The report does state, however, that the "rural area actually reporting" represents 87.3 per cent of Montana's population in rural areas.

The directory of incorporated cities and towns of Montana compiled by the Montana Municipal League lists 126 incorporated cities and towns, of which 82 have police chiefs and 97 have police courts. As stated above, only 23 of these towns report criminal statistics to the FBI.

For the above reasons, the UCR statistics must be viewed as only partially complete, but they are the best indicator the state has at this time.

CRIME INDEX 1964 - 1968

Year	Population	Total Crime Index		Violent Crime		Property Crime		Murder and Non-negligent Manslaughter		Forcible Rape	
		No.	Rate Per 100,000	No.	Rate Per 100,000	No.	Rate Per 100,000	No.	Rate Per 100,000	No.	Rate Per 100,000
1968	693,000	9,725	1,403.3	610	88.0	9,115	1,315.3	23	3.3	50	7.2
1967	701,000	9,144	1,304.4	588	83.9	8,556	1,220.5	17	2.4	72	10.3
1966	702,000	8,386	1,194.6	---	----	---	---	20	2.8	63	9.0
1965	706,000	7,643	1,082.7	---	----	---	---	12	1.7	55	7.8
1964	705,000	7,845	1,112.8	---	----	---	---	19	2.7	53	7.5

Year	Population	Robbery		Aggravated Assault		Burglary		Larceny \$50 And Over		Auto Theft	
		No.	Rate Per 100,000	No.	Rate Per 100,000	No.	Rate Per 100,000	No.	Rate Per 100,000	No.	Rate Per 100,000
1968	693,000	126	18.2	411	59.3	3,935	567.8	3,805	549.1	1,375	198.4
1967	701,000	150	21.4	349	49.8	3,661	522.3	3,383	482.6	1,512	215.7
1966	702,000	125	17.8	311	44.5	2,837	405.9	2,784	398.3	789	112.9
1965	706,000	112	15.9	335	47.5	3,197	452.9	2,534	359.0	1,398	198.0
1964	705,000	110	15.6	382	54.2	3,328	472.1	2,537	359.9	1,416	200.9

	Page
2. QUANTITATIVE AND QUALITATIVE ASSESSMENT OF THE MONTANA CRIMINAL JUSTICE SYSTEM	20
a. Offender Flow	22
b. Personnel	22
c. Expenditure	22

2. QUANTITATIVE AND QUALITATIVE ASSESSMENT OF THE MONTANA CRIMINAL JUSTICE SYSTEM.

During the past year, the Montana SPA attempted to develop the first quantitative model of the Montana criminal justice system. Some qualitative assessment of selected features of the justice system were also formulated.

One of the problems facing SPA is the ability to assess the interaction of the various entities within the system.

There is a need to improve the quantitative and qualitative model of Montana's criminal justice system to facilitate long-range programming.

The following profile not only illustrates the law enforcement system, but it makes it possible to identify problems and gaps in the areas of data collection and retrieval within the system. This profile can be used as a benchmark for evaluating whether successive comprehensive plans have improved the current law enforcement system.

Some comments concerning the data appearing in this profile are necessary. Some data items which measure the quantity of the system's resources are readily available. Personnel and equipment, for instance, can be counted; however, other data being collected (if at all) are usually fragmented and cannot be aggregated because of the differences in record keeping. For instance, data regarding the total offender flow through

Montana's criminal justice system could not be ascertained. Other quantitative measurements were difficult to determine. Budgetary costs associated with the system (totaling \$17,360,312) are probably a conservative estimate of the actual cost.

Regardless of the accuracy of this initial assessment, one fact is evident: Montana's law enforcement planning staff must continually assess this system. Missing data must be incorporated and all data must be updated.

More important, programs being funded under comprehensive plans will have a significant impact on various parts of the system. This must be continually monitored to determine if the system is becoming unbalanced. As an example, if you improve the apprehension rate by the police, it is possible that an inordinate burden will be placed upon the courts; correctional facilities might not be able to accommodate all those sentenced. Thus, some programs designed to improve certain aspects of the system could, in reality, unwittingly damage other aspects of the entire system.

Figure A-1 is a schematic of costs and personnel associated with Montana's criminal justice system. The total listed in the figure must be viewed with caution. It is safe to assume that \$17,360,312 is below the actual cost of crime in Montana, but how much below lies in realm of conjecture. The need exists for the state plan-

ning agency to expand this summary of information, fill in missing figures and verify all totals in an effort to obtain a more accurate picture of the system.

The following comments concern the chart on the following page:

a. Offender Flow

Arrests were reported from 28 counties and 13 cities with a population total of 401,593. Thus, slightly more than half of the state's population has been accounted for. Information concerning the offender flow through the rest of the system is not known because it was (1) not recorded; (2) not reported; (3) in some other form; or (4) totals could not be accumulated because of differences in how records were maintained.

b. Personnel

55 counties reported personnel figures. Support personnel (administrative-clerical) were not reported in other than the police category.

c. Expenditure

In most cases actuals were used; however, in one or two cases subjects were the only monetary figures available. This is somewhat analagous to adding apples and oranges. There is also the possibility (although remote) that not all figures represent a fiscal year. Some costs, such as retirement, insurance, facility construction or maintenance, etc. are buried in other

budget summaries which were not available and are not recorded in a manner that allowed for easy retrieval.

Figure A-1

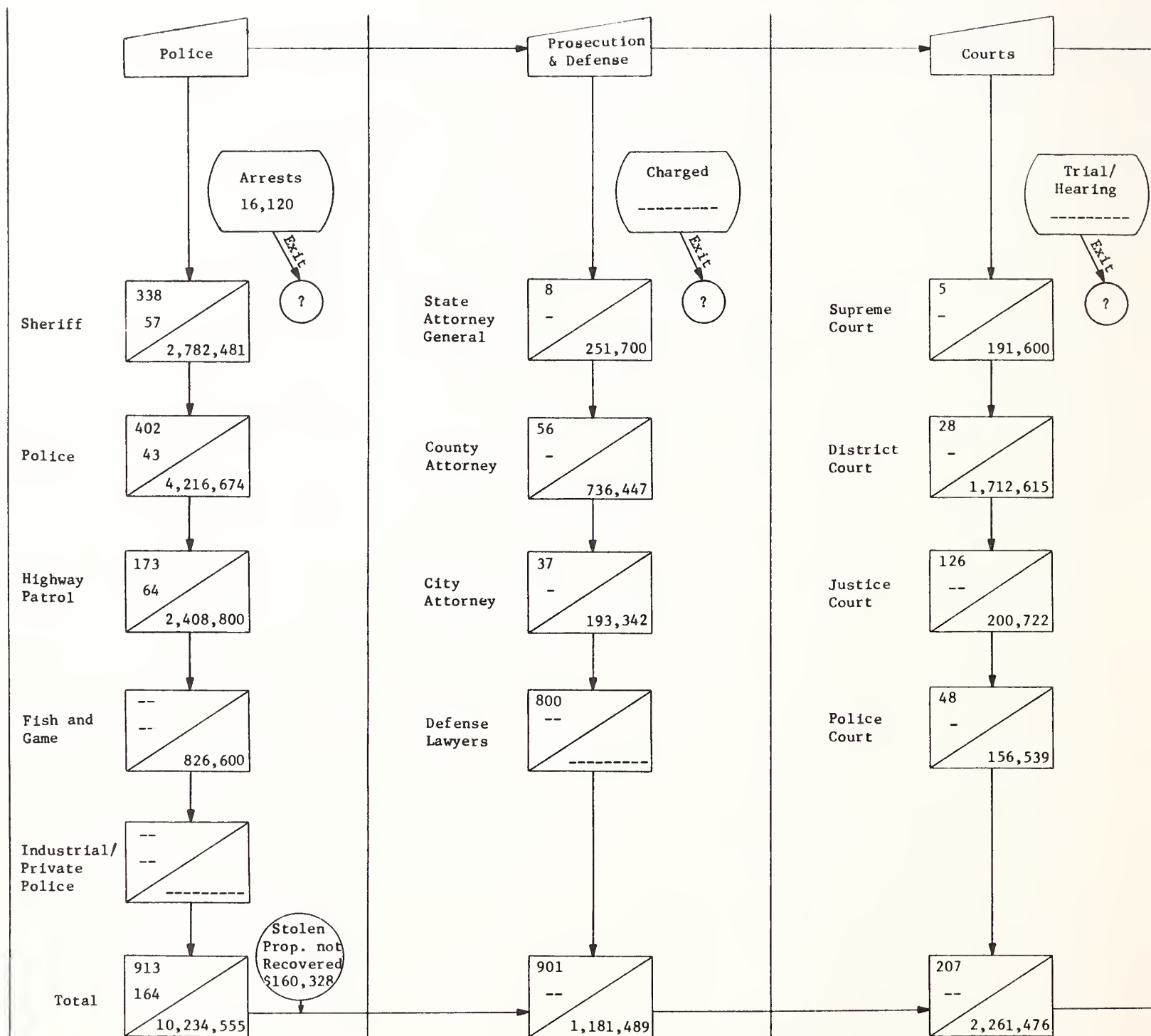
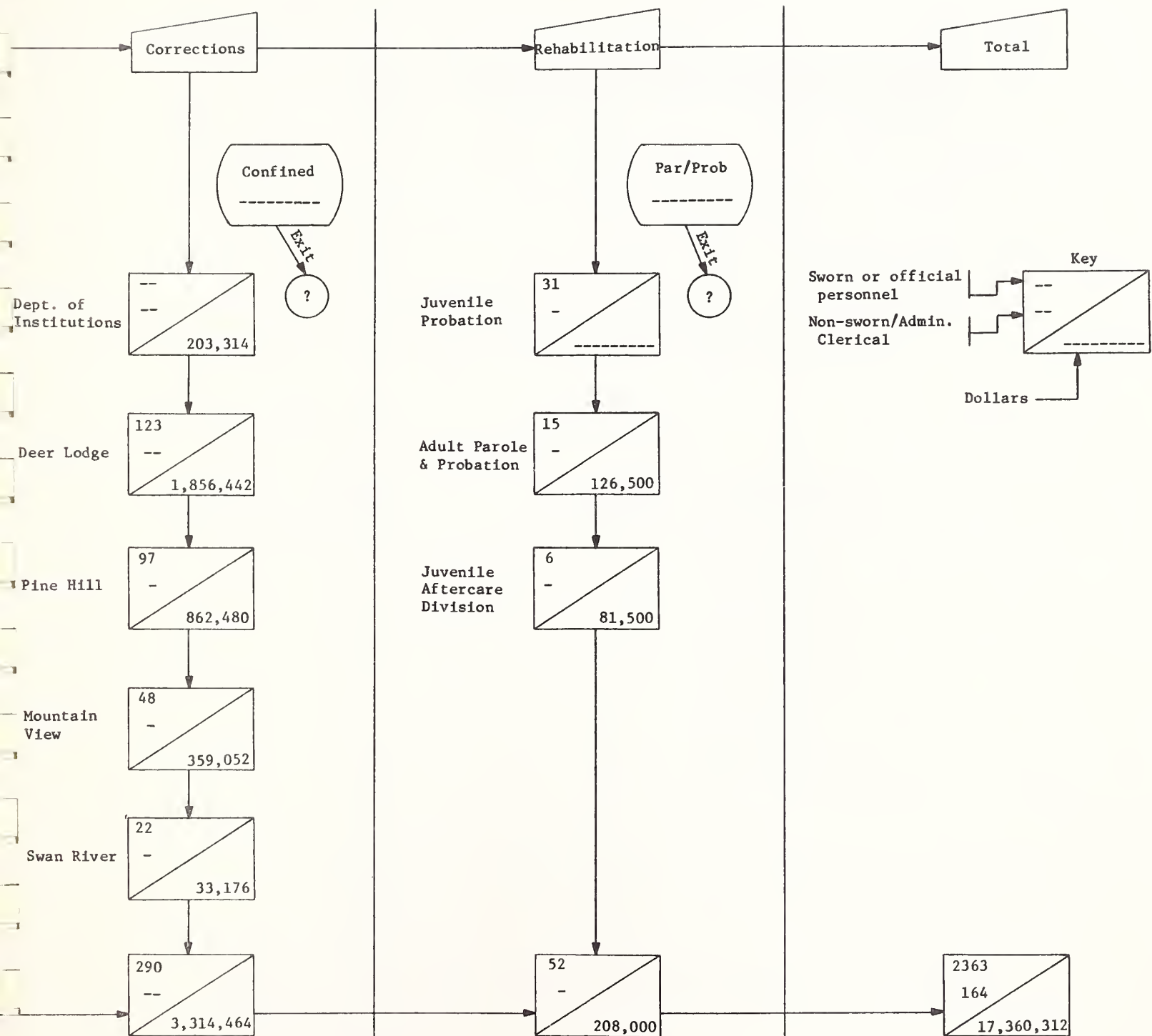


Figure 1. Criminal Justice System - Offenders, Personnel, Costs

Figure A-1 (cont'd)



	Page
3. SOCIAL CHARACTERISTICS OF MONTANA'S FOUR LARGEST CITIES	27

3. SOCIAL CHARACTERISTICS OF MONTANA'S FOUR LARGEST CITIES.

A concise illustration of Montana's place among the states in many social characteristics may be gained from a recent analysis of American Cities by Hadden and Borgatta.¹ They analyzed the census data of 674 cities, having populations over 25,000 and compared all cities on 12 important measures. Each city has been rated and assigned a numerical score of 0 to 9. These numerical values are interpreted in the following chart:

Score Given	Cities Rank in Comparison
9	Top 10th
8	2nd 10th
7	3rd 10th
6	4th 10th
5	5th 10th
4	6th 10th
3	7th 10th
2	8th 10th
1	9th 10th
0	Bottom 10th

For example, a city having a very high median family income would receive a score of "9"; a city having the lowest or very low median family income would receive a score of "0".

1. The four cities in Montana with populations over 25,000 (as of the 1960 census) are Billings

¹E. F. Borgatta, and Hadden, Jr., American Cities: Their Social Characteristics (Chicago, Rand-McNally, 1965), p. 88.

(52,000), Butte (27,000), Great Falls (55,000), and Missoula (27,000).

2. Montana urban centers are near the sample average for the number of single family dwelling units with Butte and Great Falls possessing considerably more multiple family dwelling units.

3. Montana is also average for density of population in its cities with little variation, although the vast rural expanses of the state complicate the delivery of services related to all facets of life.

4. The median family income in two of the cities in Montana is at least average with Billings falling into a "high average" group. However, family income in Butte falls in the lowest sectors of the cities studied reflecting the urban dependency on one primary industry and labor market fluctuations associated with that industry. Great Falls is also below average with a score of "3". This urban study does not reflect the rural economic wealth concentrated in a small number of families.

5. The deprivation index is generally low with Butte following the economic pattern of considerably higher deprivation than any of the other three Montana cities. It is significant that Billings, Great Falls, and Missoula reflect very low deprivation when compared to the other 671 cities in the county. It is known that some rural areas supporting the Indian population in Montana display an abysmal degree of deprivation in contrast to the three

urban centers mentioned above.

6. Montana as a state and all of its cities are well below average in the percentage of non-white residents.

7. It is noteworthy that Butte, with lower family income and higher deprivation has an above-average percentage of foreign-born residents. Great Falls, Missoula, and Billings fall near the average percentage of foreign-born residents.

This is probably true for the state as a whole.

8. Again, Butte residents are considerably older than the rest of the population of the state. Great Falls, Billings, and Missoula all possess very young populations in the lower 20 per cent of the nation for median age.

9. Population increase is average in Missoula, and well above-average in Great Falls and Billings. Butte reflects a population decrease compared with the bottom 10 per cent of cities in the nation. The urban and rural attractions of Montana proximate a continued above-average increase in population.

10. For residential stability, Billings, Great Falls, and Missoula fall in the lowest 10 per cent of cities in the country. Montana families change their residence in the cities frequently with the only exception being Butte, where, as could be anticipated, the residential stability is in the top 20 per cent of the cities analyzed.

11. The percentage of migrants in Montana is generally very high with the exception of Butte, where it is very low.

12. In relation to educational activity, Montana is average, being in the top 10 per cent in Missoula as compared to the other 671 cities and above average in Great Falls and Billings. Butte falls into the lower 20 per cent of cities in the nation in relation to the educational center characteristic.¹

This information is also depicted in the following chart:

	Billings	Butte	Great Falls	Missoula
1. Total Population (1,000's)	52	27	55	27
2. Single Family Dwelling Units	4	2	3	4
3. Population Density	6	6	5	5
4. Median Income	7	1	5	3
5. Deprivation Index	1	5	1	2
6. % Non-White Residents	2	2	3	2
7. Foreign-born Residents	4	7	5	4
8. Median Age	2	8	1	2
9. 1960 Population Increase	7	0	6	5
10. % Same House, 1955-60	1	3	1	1
11. % Migrants	8	2	8	8
12. Educational Center	6	2	6	9

¹Don Robel, A Survey of Correctional Manpower--WICHE, (May, 1969).

Page

4. CRIMINAL STATISTICS

32

4. CRIMINAL STATISTICS.

In October, 1969, Governor Forrest H. Anderson designated the Crime Control Commission as the state agency "responsible for developing plans for a Montana Bureau of Criminal Statistics; for the collection, compilation and dissemination of criminal justice statistics and data; and for the creation and dissemination of standard data collection forms, surveys, and training techniques".

Several immediate problems arise in any attempt to implement a data collection system in this state. In addition to developing standard data collection forms, the State Planning Agency will have to generate approval and cooperation at the local level; train local law enforcement officers in the use of data forms; and develop in-house skill and technique in the compilation of data collected. Satisfactory data collection must be considered a long-range program in Montana. The problems surrounding implementation of the program are substantial. The program will not succeed if law enforcement at the local level is not convinced of its merit.

STATE OF MONTANA

Office of the Governor

Executive Order 2-69

Providing that the Governor's Crime Control Commission shall be responsible for collection and compilation of statewide crime and criminal justice data.

An accurate quantitative and qualitative assessment of criminal justice, juvenile delinquency, criminal activity and offender flow and treatment is presently not available in Montana.

Failure to collect statewide, standardized data and statistics relating to law enforcement will seriously impair future comprehensive law enforcement planning as required by the Omnibus Crime Control and Safe Streets Act of 1968.

The Governor's Crime Control Commission is engaged in comprehensive law enforcement planning covering police, courts, corrections and rehabilitation in Montana.

THEREFORE, I, FORREST H. ANDERSON, Governor of the State of Montana, pursuant to the authority vested in me, designate the Crime Control Commission as the State agency responsible for developing plans for a Montana Bureau of Criminal Statistics; for the collection, compilation and dissemination of criminal justice statistics and data; and for the creation and dissemination of standard data collection forms, surveys and training techniques necessary to accomplish the same.

Given under my hand and the Great Seal of the State of Montana this 27th day of October in the year of our Lord, One Thousand Nine Hundred and Sixty-nine.


GOVERNOR

BY THE GOVERNOR:


SECRETARY OF STATE

	Page
5. POLICE AND SHERIFFS	35
a. Education and Training	35
b. Manpower--Salaries--Recruitment	53
c. Law Enforcement Communications-- Information--Equipment	67
(1) Communications and Information	67
(2) Equipment	75

5. POLICE AND SHERIFFS.

Generally speaking, the problems facing Montana peace officers are the same problems facing most law enforcement departments across the nation. In Montana we need to upgrade training and education, manpower and salaries, equipment and public opinion.

Local and regional planning during FY69 and FY70 has established education and training as the top 1970 priority for law enforcement officers. Statewide comprehensive plans emphasize this priority.

a. Education and Training

The Montana Law Enforcement Academy (MLEA) was created by the 1959 Legislature "to provide Montana law enforcement officers with a means of receiving additional training in the field of law enforcement." Section 75-502, R.C.M., 1947. To date, however, the Legislature has not appropriated any funds for the maintenance and operation of the Academy, and therefore, courses and instruction offered in past years depended entirely upon the good will and dedication of persons who were able to donate time and talent. Another problem facing the Academy in past years was the inability of officers to leave their local departments to attend the classes offered. Financial limitations and the necessity of replacing an officer while in school often prevented small, remotely located departments from sending

officers to school.

The impact of Omnibus Act assistance is nothing short of dramatic. Prior to federal assistance, the Academy trained 621 officers. During 1969, the Academy trained 185 officers with some Omnibus funds being made available towards the end of the year. In 1969, the Academy offered six (6) courses over a 12-week period. During 1970, the Academy offers 16 courses over a 28-week period. It is estimated that MLEA instruction will reach more than 500 persons during 1970. The types of instruction have been expanded to include courses for adult and juvenile probation and parole officers, legal training, administrative community-police relations, narcotics, corrections and rehabilitation, and a coroner's school.

Section 75-5203, R.C.M., 1947. Establishment of Montana law enforcement academy. There is hereby established a Montana law enforcement academy to be located at one of the units of the university of Montana, which unit shall be selected in the manner hereinafter provided. This academy shall be in session for a period to be annually determined by the advisory board.

Section 75-5205, R.C.M., 1947. Advisory board. The Montana law enforcement academy shall be governed by an advisory board composed of one representative of each of the following organizations or departments to be appointed by the president, chief executive or officer in charge of each of the following departments or organizations: The Montana sheriffs and peace officers association, the Montana chiefs of police association, the county attorneys association, the attorney general's office, the Montana municipal league, the Montana county commissioners association, the Federal Bureau of Investigation, the Montana police protective association, the Montana highway patrol, the Montana fish and game commission, the Montana

livestock commission, the tribal police of one of the Indian reservations located in Montana, and that unit of the university of Montana selected as a site for the academy. The representative appointed by the Montana livestock commission shall be a duly appointed stock inspector or detective. The tribal policeman serving on the advisory board each year will be a member of the reservation that is designated for representation by a majority of the advisory board. The representative of the university unit shall be selected after the site has been determined by the other members of the Montana law enforcement academy advisory board. The members of the advisory board shall be appointed for a term of one year and shall serve without compensation.

Section 75-5206, R.C.M., 1947. Power and duties of the Montana law enforcement academy advisory board. The Montana law enforcement academy advisory board shall have the power and it shall be its duty to:

1. Establish rules and regulations for the government and conduct of the advisory board.
2. Choose a site for the Montana law enforcement academy at the unit of the university of Montana which in the determination of the board is best suited for the needs of the academy.
3. Establish qualifications for admission to the academy.
4. Select from among the qualified applicants those officers who are to attend the academy each year.
5. Determine the curriculum and methods of training for the officers attending the academy.
6. Select a faculty for the academy.
7. Establish rules for the conduct of the officers at the academy.
8. Award appropriate certificates to the officers who successfully complete their training;

which certificate shall be signed by the chairman of the advisory board, the attorney general of the state of Montana and the president of the selected university unit.

9. Provide for the keeping of permanent records of enrollment, attendance, graduation and such other records as the board may deem necessary.

10. Make a yearly report in writing of the activities of the academy. Copies of this report shall be sent to the governor, attorney general, and secretary of state of the state of Montana.

11. Do all other things necessary and desirable for the establishment and operation of the academy not inconsistent with this act or the constitution and statutes of the state of Montana.

Section 75-5204, R.C.M., 1947. Eligibility. All bona fide Montana law enforcement officers shall be eligible to apply for admission to this academy.

Section 75-5207, R.C.M., 1947. Rights of officers attending academy. All officers shall be paid their regular salary during their attendance at the academy, and time spent in such attendance shall not be deducted from the vacation to which any attending officer is entitled. No officer shall lose any pension, seniority or other rights by reason of attendance at the academy.

Section 75-5208, R.C.M., 1947. Expenditure of funds. The expenditure of funds by any city, town, municipality or county for the board, room and travel expenses of the officers attending the academy shall be lawful expenditure.

The need to continue orderly expansion of instruction at the Academy is a priority for 1970 and beyond. An immediate problem, however, is that of hiring a full-time director and staff for the Academy. A director must be appointed by the MLEA Advisory Board. Criteria for the selection of a director will be his education,

training and experience, in addition to such qualities as motivation, interest and professional attitude.

Serious consideration must be given to the applicant's ability to relate to Montana law enforcement and other criminal justice personnel.

MLEA projected costs for certain schools are indicated on the following charts:

MLEA SCHOOL COSTING PROJECTIONS

2 Week Recruit		3 Week Recruit	
TRAVEL	\$ 40 x 40 men	\$ 1,600	\$ 40 x 40 men
FACILITY	\$ 45 x 40 men x 2 weeks	3,600	\$ 45 x 40 men x 3 weeks
EQUIPMENT	\$ 10 x 40 men	400	\$ 10 x 40 men
AMMUNITION	\$ 10 x 40 men	400	\$ 10 x 40 men
		<u>\$ 6,000</u>	
		<u>\$ 7,800</u>	
SALARY:			
Training Officer			
Half Pay	\$100 x 2 weeks	\$ 200	\$100 x 3 weeks
Full Pay	\$200 x 2 weeks	\$ 400	\$200 x 3 weeks
Secretary			
Full Pay	\$ 80 x 2 weeks	\$ 160	\$ 80 x 3 weeks
Speakers			
Students			
Half Pay	\$ 50 x 40 men x 2 weeks	\$ 4,000	\$ 50 x 40 men x 3 weeks
Full Pay	\$100 x 40 men x 2 weeks	\$ 8,000	\$100 x 40 men x 3 weeks
			\$ 6,000
			\$12,000
COST:			
	Half pay Train. Off.--No pay student	\$ 6,360	\$ 8,340
	Full pay Train. Off.--No pay student	\$ 6,560	\$ 8,640
	Half pay Train. Off.--Half pay student	\$10,360	\$14,340
	Full pay Train. Off.--Half pay student	\$10,560	\$14,640
	Half pay Train. Off.--Full pay student	\$14,360	\$20,340
	Full pay Train. Off.--Full pay student	\$14,560	\$20,640

MLEA SCHOOL COSTING PROJECTIONS (cont'd)

6 Week Recruit (Split Session) 3 Week Basic

TRAVEL	\$ 80 x 40 men	\$ 3,200	\$ 40 x 40 men	\$ 1,600
FACILITY	\$ 45 x 40 men x 6 weeks	10,800	\$ 45 x 40 men x 3 weeks	5,400
EQUIPMENT	\$ 15 x 40 men	600	\$ 10 x 40 men	400
AMMUNITION	\$ 20 x 40 men	800	\$ 10 x 40 men	400
		<u>\$15,400</u>		<u>\$ 7,800</u>
SALARY:				
Training Officer				
Half Pay	\$100 x 6 weeks	\$ 600	\$100 x 3 weeks	\$ 300
Full Pay	\$200 x 6 weeks	\$ 1,200	\$200 x 3 weeks	\$ 600
Secretary				
Full Pay	\$ 80 x 6 weeks	\$ 480	\$ 80 x 3 weeks	\$ 240
Speakers			\$300 Honor, Travel & Exp.	\$ 300
Students				
Half Pay	\$ 50 x 40 men x 6 weeks	\$12,000	\$ 70 x 40 men x 3 weeks	\$ 8,400
Full Pay	\$100 x 40 men x 6 weeks	\$24,000	\$140 x 40 men x 3 weeks	\$16,800
COST:				
	Half pay Train. Off.--No pay student	\$16,480		\$ 8,640
	Full pay Train. Off.--No pay student	\$17,080		\$ 8,840
	Half pay Train. Off.--Half pay student	\$28,480		\$17,040
	Full pay Train. Off.--Half pay student	\$29,080		\$17,340
	Half pay Train. Off.--Full pay student	\$40,480		\$25,440
	Full pay Train. Off.--Full pay student	\$41,080		\$25,740

MLEA SCHOOL COSTING PROJECTIONS (cont'd)

2 Week Major Case

1 Week Special (J.D., Corr, etc.
Travel & Salary Paid)

TRAVEL	\$ 40 x 40 men	\$ 1,600	\$ 45 x 40 men	\$ 1,800
FACILITY	\$ 45 x 40 men x 2 weeks	3,600	\$ 10 x 40 men	400
EQUIPMENT	\$ 10 x 40 men	400		
AMMUNITION	\$ 10 x 40 men	400		
		<u>\$ 6,000</u>		<u>\$ 2,200</u>
SALARY:				
Training Officer				
Half Pay	\$100 x 2 weeks	\$ 200	\$100	\$ 100
Full Pay	\$200 x 2 weeks	\$ 400	\$200	\$ 200
Secretary				
Full Pay	\$ 80 x 2 weeks	\$ 160	\$ 80	\$ 80
Speakers	\$300 Honor, Travel & Exp.	\$ 300	\$300 Honor, Travel & Exp.	\$ 300
Students				
Half Pay	\$ 80 x 40 men x 2 weeks	\$ 6,400		
Full Pay	\$160 x 40 men x 2 weeks	\$12,800		
COST:				
Half pay Train. Off.--No pay student		\$ 6,620		\$ 2,680
Full pay Train. Off.--No pay student		\$ 6,682		\$ 2,780
Half pay Train. Off.--Half pay student		\$13,060		
Full pay Train. Off.--Half pay student		\$13,260		
Half pay Train. Off.--Full pay student		\$19,460		
Full pay Train. Off.--Full pay student		\$19,660		

MLEA SCHOOL COSTING PROJECTIONS (cont'd)

1 Week Police Management		1 Week Photography	
TRAVEL	\$ 40 x 40 men	\$ 40 x 16 men	\$ 640
FACILITY	\$ 45 x 40 men	\$ 45 x 16 men	720
EQUIPMENT	\$ 10 x 40 men	\$ 25 x 16 men	400
AMMUNITION			
			<u>\$ 1,560</u>
SALARY:			
Training Officer			
Half Pay	\$100	\$100	\$ 100
Full Pay	\$200	\$200	\$ 200
Secretary			
Full Pay	\$ 80	\$ 80	\$ 80
Speakers			
Students			
Half Pay	\$ 80 x 40 men	\$ 70 x 16 men	\$ 1,120
Full Pay	\$160 x 40 men	\$140 x 16 men	\$ 2,240
COST:			
Half pay Train.	Off.--No pay student	\$ 4,280	\$ 1,740
Full pay Train.	Off.--No pay student	\$ 4,380	\$ 1,840
Half pay Train.	Off.--Half pay student	\$ 7,480	\$ 2,860
Full pay Train.	Off.--Half pay student	\$ 7,580	\$ 2,960
Half pay Train.	Off.--Full pay student	\$10,680	\$ 3,980
Full pay Train.	Off.--Full pay student	\$10,780	\$ 4,080

SCHOOL COMBINATION OPTION COSTING PROJECTIONS

OPTION (1)

OPTION 1						
SCHOOLS						
Half TO* No Stu.	Full TO No Stu.	Half TO Half St	Full TO Half St	Half TO Full St	Full TO Full St	
1 Recruit for 2 weeks	\$ 6,360	\$ 10,360	\$ 10,560	\$ 14,360	\$ 14,560	
2 Basic for 3 weeks each	17,280	34,080	34,680	50,880	51,480	
1 Major Case for 2 weeks	6,620	13,060	13,260	19,460	19,660	
1 Juvenile Delin. for 1 week	2,680	2,680	2,780	2,680	2,780	
1 Probation for 1 week	2,680	2,680	2,780	2,680	2,780	
1 Corrections for 1 week	2,680	2,680	2,780	2,680	2,780	
Total:						
7 Schools for 13 weeks	\$ 38,300	\$ 65,540	\$ 66,840	\$ 92,749	\$ 94,040	
	1A		1B		1C	

OPTION (2)

1 Recruit for 2 weeks	\$ 6,360	\$ 6,560	\$ 10,360	\$ 10,560	\$ 14,360	\$ 14,560
1 Police Management for 1 week	4,280	4,380	7,480	7,580	10,680	10,780
1 Photography	1,740	1,840	2,860	2,960	3,980	4,080
3 Schools for 4 weeks	\$ 12,380	\$ 12,780	\$ 20,700	\$ 21,100	\$ 29,020	\$ 29,420
+ (1) Totals	\$ 38,300	\$ 39,400	\$ 65,540	\$ 66,840	\$ 92,740	\$ 94,040
Total:						
10 Schools for 17 weeks	\$ 50,680	\$52,180	\$ 86,240	\$ 87,940	\$121,760	\$123,460
	2A		2B		2C	

*TO = Training Officer
Stu = Student

SCHOOL COMBINATION OPTION COSTING PROJECTIONS (cont'd)

OPTION (3)

	Half TO No Stu.	Full TO No Stu.	Half TO Half St.	Full TO Half St.	Half TO Full St.	Full TO Full St.
1 Major Case for 2 Weeks	\$ 6,620	\$ 6,820	\$ 13,060	\$ 13,260	\$ 19,460	\$ 19,660
1 Juvenile Delin. for 1 week	2,680	2,780	2,680	2,780	2,680	2,780
1 Probation for 1 week	2,680	2,780	2,680	2,780	2,680	2,780
1 Corrections for 1 week	2,680	2,780	2,680	2,780	2,680	2,780
4 Schools for 5 weeks	\$ 14,660	\$ 15,160	\$ 21,100	\$ 21,600	\$ 27,500	\$ 32,500
+ (2) Totals	\$ 50,680	\$ 52,180	\$ 86,240	\$ 87,940	\$ 121,760	\$ 123,460
Total:						
14 Schools for 22 weeks	\$ 65,340	\$ 67,340	\$ 107,340	\$ 109,540	\$ 149,260	\$ 155,960
	3A		3B		3C	

SCHOOL COMBINATION OPTION COSTING PROJECTIONS (Cont'd)

OPTION (4)

	Half TO No Stu.	Full TO No Stu.	Half TO Half St.	Full TO Half St.	Half TO Full St.	Full TO Full St.
3 Recruit for 3 weeks each	\$ 25,020	\$ 25,920	\$ 43,020	\$ 43,920	\$ 61,020	\$ 61,920
3 Basic for 3 weeks each	25,920	26,520	51,120	52,020	76,320	77,220
2 Major Case for 2 weeks each	13,240	13,640	26,120	26,320	38,920	39,320
2 Juv. Delin. for 1 week each	5,360	5,560	5,360	5,560	5,360	5,560
2 Probation for 1 week each	5,360	5,560	5,360	5,560	5,360	5,560
2 Corrections for 1 week each	5,360	5,560	5,360	5,560	5,360	5,560
2 Police Manage. for 1 week each	8,560	8,760	14,960	15,160	21,360	21,560
2 Photography for 1 week each	3,480	3,680	5,720	5,920	7,960	8,160
Total:						
18 Schools for 32 weeks	\$ 92,300	\$ 95,200	\$157,020	\$160,020	\$221,660	\$224,860
	4A		4B		4C	

OPTION (5)

	Half TO No Stu.	Full TO No Stu.	Half TO Half St.	Full TO Half St.	Half TO Full St.	Full TO Full St.
3 Recruit for 6 weeks each	\$ 49,440	\$ 51,240	\$ 85,440	\$ 87,240	\$121,440	\$123,240
3 Basic for 3 weeks each	25,920	26,520	51,120	52,020	76,320	77,220
2 Major Case for 2 weeks each	13,240	13,640	26,120	26,320	38,920	39,320
2 Juv. Delin. for 1 week each	5,360	5,560	5,360	5,560	5,360	5,560
2 Probation for 1 week each	5,360	5,560	5,360	5,560	5,360	5,560
2 Corrections for 1 week each	5,360	5,560	5,360	5,560	5,360	5,560
2 Police Manage. for 1 week each	8,560	8,760	14,960	15,160	21,360	21,560
2 Photography for 1 week each	3,480	3,680	5,720	5,920	7,960	8,160
Total:						
18 Schools for 41 weeks	\$116,720	\$120,520	\$199,440	\$203,340	\$282,080	\$286,180
	5A		5B		5C	

POSSIBLE OPTIONS UNDER VARIOUS FUNDINGS

FUNDING			
Federal (60%)	\$30,000	\$39,000	\$48,000
State & Local (40%)	<u>\$20,000</u>	<u>\$26,000</u>	<u>\$32,000</u>
TOTAL	\$50,000	\$65,000	\$80,000
YEAR 1	1A 2A	1A, 1B 2A	1A, 1B 2A, 2B 3A
YEAR 2	(with more funding) 1B 3A	(with more funding) 1C 2B 4A	(with more funding) 1C 2B 3B 4A 5A
YEAR 3	(with much more funding) 1C 2B 4A	(with much more funding) 2C 3B 5A	(with much more funding) 3C 4B, 4C 5B, 5C

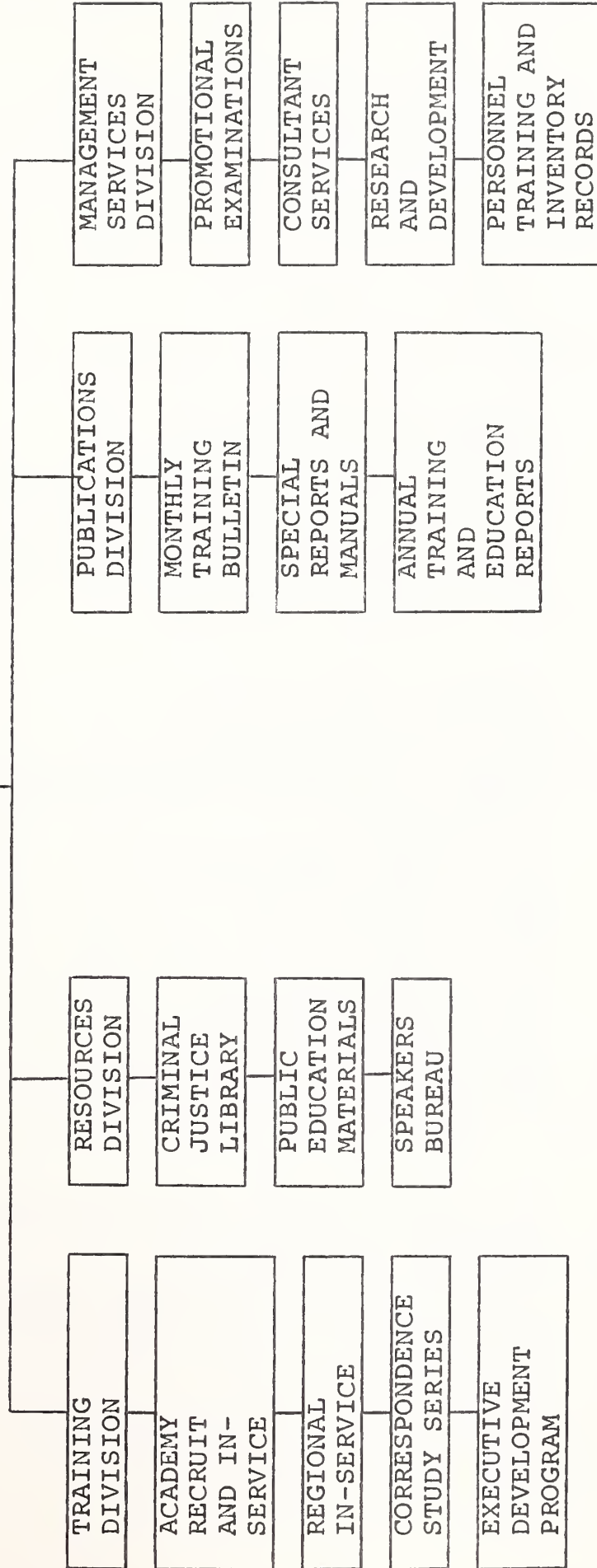
If MLEA is to meet the demands for additional training, it must (1) consolidate its activities into a single building or facility, and; (2) provide year-round recruit training equivalent to or exceeding minimum training standards to be established in the near future.

The following charts illustrate a consolidated MLEA training facility and a suggested recruit curriculum.

MONTANA STATE UNIVERSITY
MONTANA LAW ENFORCEMENT
ACADEMY AND INSTITUTE
FOR CRIMINAL JUSTICE

ACADEMY ADVISORY
BOARD

DIRECTOR



RECRUIT TRAINING MINIMUM CURRICULUM (200) HOURS

- I. Introduction to law enforcement (3)
 - 1. Law enforcement ethics and professionalization (2)
 - 2. Orientation (1)
- II. Criminal law (16)
 - 1. Criminal law (12)
 - 2. Laws of arrest (4)
- III. Criminal evidence (8)
 - 1. Rules of evidence (4)
 - 2. Search and seizure (4)
- IV. Administration of criminal law (2)
 - 1. Court organization and procedures (2)
- V. Criminal investigation (54)
 - 1. Report writing (10)
 - 2. Assault cases (2)
 - 3. Auto theft cases (2)
 - 4. Burglary cases (2)
 - 5. Collection, identification and preservation of evidence (6)
 - 6. Injury and death cases (6)
 - 7. Interviews and interrogation (6)
 - 8. Robbery cases (2)
 - 9. Sex crimes (2)
 - 10. Larceny and stolen property (4)
 - 11. Scientific aids (2)
 - 12. Fingerprint evidence (2)
 - 13. Vice investigations (6)
 - 14. Miscellaneous investigations (2)
- VI. Patrol Procedures (58)
 - 1. Courtroom demeanor and testifying (2)
 - 2. Disorderly conduct cases (2)
 - 3. Domestic complaints (2)
 - 4. Drunk and drunken driving cases (2)
 - 5. Field notetaking and crime science recording (6)
 - 6. Mental illness cases (2)
 - 7. Patrol techniques (8)
 - 8. Prowler and disturbance reports (2)
 - 9. Public-community relations
 - 10. Human relations (2)
 - 11. Crime scene procedure (4)

- VII. Traffic control (20)
 - 1. Traffic direction techniques (2)
 - 2. Citations, mechanics and psychology (2)
 - 3. Traffic law enforcement (2)
 - 4. Accident reporting (10)
- VIII. Juvenile procedures (6)
- IX. Defensive tactics (14)
 - 1. Arrest techniques (6)
 - 2. Defensive tactics (8)
- X. Firearms (26)
 - 1. Firearms--legal aspects (2)
 - 2. Firearms--range (24)
- XI. First aid (10)
- XII. Examinations (3)

Once these last two needs have been met, during 1970, it will be possible for MLEA to provide continual, year-round recruit training. The problem of recruit training faces every law enforcement department every year. The need to train recruits before putting them on duty with a gun and a badge is obvious. For more on this program, see the multi-year section of this plan.

Expanding the role of the Academy, however, will not meet all of the education and training needs of Montana's law enforcement officers. Montana's large size and small population causes training problems which require different resources. Training is desperately needed in remote areas where small departments find themselves unable to free an officer to attend school at the Academy in Bozeman.

At the expense of being repetitive, Montana has 26

police departments in communities of less than 1,000 people. To meet this training problem, there is a need to develop, during 1970, a program which will take the training into the field. SPA has considered, and rejected, a mobile training facility housed in a trailer and permanently staffed as being too expensive for the training results it would provide. More viable, on-going training can be provided on a regional basis by one or more regional training officers.

These officers, trained for the purpose at MLEA, would, in addition to regularly assigned duties, and for additional compensation, conduct regularly scheduled training sessions. This program will be conducted in conjunction with instruction and training available through FBI zone schools.

This 1970 program will, at the same time, meet the need in Montana to develop a corps of training specialists for use in later years as the MLEA courses are expanded, accredited and operated in conjunction with Police Science Degree schools at our universities and junior colleges.

One problem faced by SPA and by MLEA will be met during 1970 by the development of a detailed, in-depth training inventory of all criminal justice personnel. This survey will result in the preparation of detailed training guides, curriculums, performance criteria and the identification by city and county of unique training needs throughout the state.

In conjunction with this personnel inventory, there is a need to develop a set of performance objectives and/or job descriptions in order to properly develop curriculum content and general training needs to bridge the gap between where we are now and where we should be.

b. Manpower--Salaries--Recruitment

The problems caused by shortage of manpower and low salaries are severe and widespread. The salaries of county law enforcement officers are controlled by state statute according to the population and the taxable valuation of the county.

A most deplorable salary schedule existed until the 1969 Legislature amended the controlling statutes. As the following chart indicates, county salaries were upgraded somewhat:

Section 25-605, R.C.M., 1947. Salaries of certain officers. The salaries of county treasurers, clerk and recorder, clerk of the court, county attorneys, sheriffs, county assessors, county superintendents of schools, and of county surveyors in counties where county surveyors now receive salaries as provided in Section 16-3302, R.C.M., 1947, shall be based on the population and taxable valuation of the county in accordance with the following schedule:

Population of County	Salary Col. A	Taxable Valuation of County	Salary Col. B
Below		Below	
3,000	\$2,320	\$ 2,000,000	\$2,320
3,000 to 3,999	2,380	2,000,000 to 2,999,999	2,380
4,000 to 4,999	2,440	3,000,000 to 3,999,999	2,440
5,000 to 5,999	2,490	4,000,000 to 4,999,999	2,490
6,000 to 6,999	2,550	5,000,000 to 5,999,999	2,550
7,000 to 7,999	2,720	6,000,000 to 6,999,999	2,720
8,000 to 8,999	2,770	7,000,000 to 7,999,999	2,770
9,000 to 9,999	2,830	9,000,000 to 8,999,999	2,830
10,000 to 12,499	2,880	10,000,000 to 11,999,999	2,880
12,500 to 14,999	2,940	12,000,000 to 13,999,999	2,940
15,000 to 17,499	3,000	14,000,000 to 15,999,999	3,000
17,500 to 19,999	3,050	16,000,000 to 17,999,999	3,050
20,000 to 24,999	3,110	18,000,000 to 19,999,999	3,110
25,000 to 29,999	3,160	20,000,000 to 22,499,999	3,160
30,000 to 39,999	3,220	22,500,000 to 24,999,999	3,220
40,000 to 49,999	3,300	25,000,000 to 29,999,999	3,300
50,000 to 59,999	3,420	30,000,000 to 34,999,999	3,420
60,000 to 69,999	3,530	35,000,000 to 39,999,999	3,530
70,000 to 79,999	3,640	40,000,000 to 44,999,999	3,640
80,000 to 89,999	3,750	45,000,000 to 49,999,999	3,750
90,000 to 99,999	3,860	50,000,000 to 54,999,999	3,860
100,000 and over	3,980	55,000,000 to 59,999,999	3,980
		60,000,000 to 64,999,999	3,980
		65,000,000 to 69,999,999	3,980
		70,000,000 to 74,999,999	3,980
		75,000,000 to 79,999,999	3,980

The need still exists to provide minimum salaries for all law enforcement personnel. The following table illustrates a schedule of state and local supplements to salaries of local law enforcement officers developed for Florida.

During 1970, SPA will conduct an in-depth study of salaries and the possible adaptability of the Florida scale to Montana situations.

The problems caused by low salaries, however, will not be solved simply by supplementing existing salaries. Law enforcement must lift itself by its bootstraps, so to speak, by establishing minimum standards and by changing the image harbored by the general public.

Minimum standards and training requirements for all peace officers (POST) are needed in Montana. These standards cannot be voluntary. They must be mandatory and established by the Legislature in such a way as to be enforceable. This need or requirement will be met if the Legislature will create and sufficiently fund, with Omnibus assistance, a state Commission on Law Enforcement Standards and Training adequately staffed to function on a full-time, state-wide basis.

POST is a high priority program for 1970 and considerable effort and time will be expended to educate the Legislature about this important need.

(1) Manpower

A road map published by the Montana Highway Commission

lists 499 cities, towns and communities in the State of Montana. Of these, 124 are incorporated. 82 of those communities have a police chief. There are approximately 461 police personnel and approximately 340 sworn sheriff personnel in Montana.

The following tables contain data which provide a preliminary qualitative profile of Montana's sheriffs and police personnel.

The need exists for the State Planning Agency to expand this profile and to refine "police coverage" figures as more substantial information is gathered throughout the state.

The tables are self-explanatory. Tables one and two are an attempt to compare police "coverage" in Montana versus national and regional indices. A certain amount of caution should be exercised when examining Montana figures. First, not all political entities reported. Second, urban areas showing no police coverage are in most cases assisted by arrangements with the sheriff or an adjacent entity. Such arrangements are, however, informal.

The need exists to study the legality and feasibility of contract law enforcement services for rural communities within the State of Montana.

In some cases, there is overlap in that the sheriff's department may exert law enforcement influence in an urban area where a local city force exists.

TENTATIVE SCHEDULE OF STATE AND LOCAL SUPPLEMENTS TO SALARIES
OF LOCAL LAW ENFORCEMENT OFFICERS

Providing for Minimum Salaries & Upgrading of Personnel

(1)	(2)	(3)	(4)	(5)	(6)
Present Salary	Local Contr. (15% of Pre-sent Salary)	Minimum Local Contr. to Reach \$6,000	State Contr. (15% of Pre-sent Salary)	Additional State Contr. to Reach \$6,000	New Salary (Sum of Col. 1-5)
\$7,000	-	-	\$1,050	-	A
6,900	-	-	1,035	-	A
6,800	-	-	1,020	-	A
6,700	-	-	1,005	-	A
6,600	-	-	990	-	A
6,500	-	-	975	-	A
6,400	-	-	960	-	A
6,300	-	-	945	-	A
6,200	-	-	930	-	A
6,100	-	-	915	-	A
6,000	-	-	900	-	A
5,900	-	-	885	-	A
5,800	-	-	870	-	A
5,700	-	-	855	-	A
5,600	-	-	840	-	A
5,500	-	-	825	-	A
5,400	-	-	810	-	A
5,300	-	-	795	-	A
5,200	-	20	780	-	A
5,100	-	135	765	-	6,000
5,000	-	250	750	-	6,000
4,900	-	365	735	-	6,000
4,800	-	480	720	-	6,000
4,700	-	595	705	-	6,000
4,600	690	-	690	20	6,000
4,500	675	-	675	150	6,000
4,400	660	-	660	280	6,000
					(cont'd)

TENTATIVE SCHEDULE OF STATE AND LOCAL SUPPLEMENTS TO SALARIES
OF LOCAL LAW ENFORCEMENT OFFICERS

Providing for Minimum Salaries & Upgrading of Personnel

(1)	(2)	(3)	(4)	(5)	(6)
Present Salary	Local Contr. (15% of Pre- sent Salary)	Minimum Local Contr. to Reach \$6,000	State Contr. (15% of Pre- sent Salary)	Additional State Contr. to Reach \$6,000	New Salary (Sum of Col. 1-5
4,300	645	-	645	410	6,000
4,200	630	-	630	540	6,000
4,100	615	-	615	670	6,000
4,000	600	-	600	800	6,000
3,900	585	-	585	930	6,000
3,800	570	-	570	1,060	6,000
3,700	555	-	555	1,190	6,000
3,600	540	-	540	1,320	6,000

Keeping the above constraints in mind, Montana compares favorably with other mountain states as far as urban police are concerned. As far as sheriff's forces are concerned, they exceed national and regional figures. This is probably explained in large part by the characteristics of Montana's population and physical size. In Montana's situation, the number of miles of road to be patrolled (rural 736,456; urban 218,614) is a better indicator for measuring the degree of law enforcement difficulty than is the amount of square miles, since a great deal of the latter is inaccessible. Unfortunately, no formula exists to manipulate factors such as square miles, population, road mileage, and law enforcement officers to derive an indicator of law enforcement efficiency.

TABLE 1
MONTANA LAW ENFORCEMENT RATIO PER 1,000 POPULATION

County	Sq. Miles	Rural Pop.	Sheriff ¹ Person.	Ratio Per 1,000	Rural Rd. Mi.	Urban ² Pop.	Police ¹ Person.	Ratio Per 1,000	Urban Rd. Mi.
Beaverhead	5,580	3,107	5	1.60	1,650.5	4,087	4	.98	31.3
Big Horn	5,055	6,531	4	.61	1,631.3	3,476	8	2.30	23.8
Blaine	4,279	4,498	4	.89	2,549.7	3,593	3	.83	22.0
Broadwater	1,245	1,281	2	1.56	843.2	1,523	1	.66	10.5
Carbon	2,074	4,335	3	.69	999.7	3,982	0	.00	36.7
Carter	3,313	1,755	3	1.71	851.7	738	1	1.35	7.4
Cascade	2,673	16,540	22	1.33	1,555.4	56,878	68	1.20	251.2
Chouteau	3,936	4,243	7	1.65	2,845.8	3,105	3	.97	28.2
Custer	3,775	3,503	4	1.14	1,066.5	9,724	13	1.34	49.9
Daniels	1,443	142	4	9.17	969.1	3,613	2	.55	16.1
Dawson	2,380	4,775	3.5	.73	1,251.4	7,539	11	1.46	30.9
Deer Lodge	741	6,596	9	1.36	390.9	12,054	11	.91	23.4
Fallon	1,633	1,369	2	1.46	942.2	2,628	3	1.14	22.9
Fergus	4,253	5,542	4	.72	2,000.9	8,476	10	1.18	56.9
Flathead	5,280	17,717	16	.90	1,984.7	15,248	28	1.84	72.9
Gallatin	2,540	8,957	14	1.56	1,487.9	17,088	22 ³	1.29	101.0
Garfield	4,812	1,424	3	2.11	1,353.1	557	1	----	4.2
Glacier	3,006	5,015	7	1.39	1,124.7	6,550	9	1.37	23.8
Golden Valley	1,180	677	1	1.48	695.5	526	1	1.90	10.2
Granite	1,737	1,330	3	2.25	603.8	1,684	2	1.19	12.6
Hill	2,946	7,659	5	.65	2,841.2	10,994	12	1.09	41.1
Jefferson	1,654	2,002	3	1.50	860.6	2,292	2	.87	12.9
Judith Basin	1,880	2,263	3	1.33	1,055.8	822	0	0	11.8
Lake	1,655	8,516	8	.94	1,189.2	4,588	3	.65	37.1
Lewis and Clark	3,513	6,279	15	2.39	1,294.2	21,727	23	1.06	151.3
Liberty	1,459	1,466	2	1.36	1,293.1	1,158	0	0	10.3
Lincoln	3,728	7,249	7	.97	2,129.4	5,288	4	.76	37.3
McCone	2,652	1,204	2	1.66	1,873.6	1,117	1	.86	9.3
Madison	3,541 ⁵	3,444	7	2.03	1,345.6	1,767	3	1.70	19.7
Meagher		1,097	2	1.82	868.7 ⁵	1,519	1	.66	14.9 ⁵
Mineral	1,223	1,439	5	3.47		1,598	1	.63	
Missoula	2,624	17,573	16	.91	1,598.9	27,090	35	1.29	151.8
Musselshell	1,887	1,780	4	2.25	1,087.1	3,108	2.5	.80	24.7

(cont'd)

TABLE 1 (cont'd)

County	Sq. Miles	Rural Pop.	Sheriff ¹ Person.	Ratio Per 1,000	Rural Rd. Mi.	Urban ² Pop.	Police ¹ Person.	Ratio Per 1,000	Urban Rd. Mi.
Park	2,631	4,686	6.5	1.39	1,202.9	8,482	0	0	39.7
Petroleum	1,672	534	1	1.87	711.1	360	0	0	7.4
Phillips	5,287	2,985	4	1.34	2,050.7	3,042	4	1.31	25.4
Pondera	1,654	4,264	8	1.88	1,236.4	3,389	3	.88	24.7
Powder River	3,298	1,857	3	1.62	1,241.3	628	1	1.59	4.8
Powell	2,340	2,381	5	2.10	819.4	4,681	4	.85	24.4
Prairie	1,739	1,178	2	1.70	694.9	1,140	2	1.75	11.7
Ravalli	2,388	8,684	5	.58	1,455.1	3,657	5	1.37	32.1
Richland	2,103	4,934	6	1.22	1,399.4	5,570	6	1.07	33.8
Roosevelt	2,399	3,861	3	.78	1,651.6	7,870	4.5	.57	43.8
Rosebud	5,042	4,155	5	1.20	1,720.3	2,032	4	1.97	17.7
Sanders	2,819	4,252	7	1.65	1,684.2	2,628	3	1.14	22.4
Sheridan	1,720	3,350	3	.90	1,478.9	3,108	0	0	20.8
Silver Bow ⁴	716	17,124	23	1.34	519.8	29,330	37	1.26	97.2
Stillwater ⁴	1,801	4,245	--	.00	1,033.9	1,281	--	----	9.3
Sweet Grass	1,849	1,630	3	1.84	667.1	1,660	0	0	14.2
Teton	2,310	4,073	6	1.47	1,550.6	3,222	3	.93	26.1
Toole	1,965	2,630	4	1.52	1,638.1	5,274	5	.95	31.7
Treasure	997	850	1	1.18	388.5	495	0	0	3.8
Valley	5,104	9,429	4	.42	2,239.4	7,651	7	.91	37.8
Wheatland	1,425	1,107	2	1.80	658.2	1,919	1.5	.78	15.8
Wibaux	891	932	4	4.30	713.3	766	3	3.91	8.8
Yellowstone	2,666	21,404	34	1.59	1,786.3	57,612	78	1.35	260.7

- ¹Sworn personnel
²Incorporated cities
³Sheriff's Deputy
⁴Did not report
⁵Information missing

TABLE 2
POLICE RATIO PER 1,000 POPULATION

City Size	National ¹	Mountain ¹ States	Montana
50,000 to 100,000	1.4	1.2	1.27 ²
25,000 to 50,000	1.3	1.2	1.27 ³
10,000 to 25,000	1.4	1.3	1.28 ⁴
Under 10,000	1.4	1.4	1.19
Sheriffs	0.9	---	1.62

¹Source: 1967 FBI Uniform Crime Report

²Two cities

³Three cities

⁴Four cities

TABLE 3

AGE COMPOSITION & EDUCATION ACHIEVEMENTS OF MONTANA
SHERIFFS, POLICE & CORRECTIONAL PERSONNEL

CHARACTERISTIC	SHERIFF	POLICE	CHARACTERISTIC
<u>AGE:</u>			<u>AGE:</u>
21 to 25	2.8%	6.7%	Under 21
25 to 30	9.8%	18.9%	21 to 29
30 to 40	22.1%	37.6%	30 to 34
40 to 50	29.9%	27.1%	35 to 49
Over 50	35.2%	9.3%	50 to 64
			65 +
	N = 284	N = 353	

TABLE 4
LAW OFFICER ENTRANCE REQUIREMENTS:
COUNTY SHERIFF, UNDERSHERIFF, DEPUTIES

Montana Counties			
Requirements	Yes	No	Total
1. Residency	29	8	37
2. Citizenship	28	9	37
3. Physical Condition	27	10	37
4. Age	37	0	37
5. High School Education	14	23	37
6. Experience	1	36	37
7. No Previous Arrest ¹	23	--	--
8. No Felony Conviction ¹	--	--	--
9. Other	11	--	--
Total Counties Reporting	55		
No Report	<u>1</u>		
Total Montana Counties	56		

37 of 55 reporting have qualifications. (These qualifications vary with each county--with the exception of the age requirement.)

¹These qualifications exist but were not uniformly reported.

TABLE 5
LAW OFFICERS ENTRANCE REQUIREMENTS: CITY POLICE

Requirements	Yes	No	Total
1. Residency (within city)	37	12	49
2. Citizenship (U.S.)	35	14	49
3. Physical Condition	36	13	49
4. Age	49	0	49
5. High School Education	30	19	49
6. Experience	0	49	49
7. No Previous Arrest ¹	29	--	--
8. No Felony Conviction ¹	--	--	--
9. Other	17	--	--
Total Reporting	67		
Not Contacted	42		
Cities with no Police Force	16		
No Report	<u>1</u>		
Total	126 incorp. cities & towns		

49 of 67 reporting have qualifications.

¹These qualifications exist but were not uniformly reported.

TABLE 6

LAW ENFORCEMENT EXPENSES AND PERSONNEL FY68-69

Expenditures	Sheriff	Police	Highway Patrol	Total
1. Salary & Wages	\$1,596,695 ¹	\$2,975,803 ³	--	\$ 4,572,498
2. Other expenses	417,102 ¹	742,775 ³	--	1,159,877
3. Coroner	55,482 ²	--	--	55,482
4. Pension	--	440,563 ⁴	--	440,563
5. Pound	--	57,533 ⁵	--	57,533
6. Delinquents	235,779	--	--	235,779
7. Prisoners	477,423	--	--	477,423
Total	\$2,782,481	\$4,216,674	\$2,408,800	\$10,234,555 ⁷
Personnel				
1. Sworn	3386	402	173	913
2. Non-Sworn/ Clerical	57	43	64 full time	164

¹Expense figures from 56 county sheriffs.
²Thirty-three counties reported coroner expenses.
³One hundred and four incorporated municipalities reported expenses.
⁴Twenty-two municipalities reported pension funds.
⁵Nine municipalities reported pound expenses.
⁶Fifty-five counties reported personnel figures.
⁷Total includes \$826,600 for fish and game (enforcement only).

Other Police Resources:
 Special Duties 304
 Posse 217
 Search & Rescue 725

. Law Enforcement Communications--Information--Equipment

.-) Communications and Information

The problems surrounding law enforcement communications, information systems and crime control equipment are varied and numerous. Equipment of all kinds at the local level is old, in disrepair or non-existent; communications are clogged and unreliable; a criminal information system and statistics center does not exist.

The need to upgrade law enforcement communications was recognized by the Montana Legislature in 1967 when it created and funded a state law enforcement teletypewriter communications committee.

Section 82-3901, R.C.M., 1947. Establishment of communications system--inclusion of other state agencies. The attorney general is hereby authorized to establish a permanent law enforcement teletypewriter system for the purpose of connecting federal, state, county, and city law enforcement agencies by teletype, and is further authorized to bring into the network, should he and they so desire, any department of Montana state government or its subdivisions outside of law enforcement activities when, in the opinion of the attorney general and the state department or subdivision, such inclusion will materially aid the law enforcement agencies of the state of Montana or its subdivisions in the fight against crime.

Section 82-3902, R.C.M., 1947. Appointment of communications committee--members--term of office--vacancies--meetings--compensation--duties. To carry out the provisions of this act, the governor shall appoint a state law enforcement teletypewriter communications committee consisting of seven (7) members, each member representing a governmental entity which is participating in the communications system. Membership in the committee shall be as follows:

One (1) county sheriff from a county of the first class.

One (1) county sheriff from a county other than a first class county.

One (1) chief of police from a city of the first class.

One (1) chief of police from a city other than a first class city.

One (1) county commissioner from a county not otherwise represented.

One (1) city mayor from a city not otherwise represented.

One (1) officer or employee of a state department or agency which participates in the communications system.

The term of office of members appointed to the committee shall be as follows: Three (3) of the original appointees shall serve three (3) year terms, such terms to be determined by lot or drawing among the members present at the initial meeting of the committee, and the balance of the members of the committee shall serve for two (2) years each. Vacancies on the committee shall be filled immediately by the governor. The committee shall meet at such times and at such locations as the attorney general may require and may elect officers. Members shall serve without committee compensation since, by the nature of their duties and official capacities, they are full-time, paid, state or subdivision employees subject to compensation and certain travel and per diem allowances in connection with their positions. The committee shall advise the attorney general as to the operation of the state law enforcement teletypewriter communications system, and shall suggest such changes as determined are necessary, and the attorney general shall, within the limits of the funds available under the provisions of this act, make every effort to effectuate the changes suggested, and shall work toward refinement of the system at all levels.

Section 82-3903. Power of attorney general in carrying out provisions of act--operational

charges--assessments. To carry out the provisions of this act, the attorney general is:

(a) Authorized to purchase, lease, or otherwise acquire facilities and equipment necessary to accomplish the purposes of this act, but only after consultation with the committee, and only upon approval of the committee regarding actual physical equipment to be purchased or leased as herein provided.

(b) The attorney general is authorized to employ such personnel as may be necessary to operate such facilities, within the framework of any funds budgeted or prorated on a charge basis against participating agencies as herein identified, but only after approval of the committee.

(c) The attorney general is hereby authorized to establish a monthly operational charge for the teletypewriter communications network, exclusive of personnel services, and such charge shall be prorated among all the various agencies using the system. Such charge shall be approved by the communications committee and shall be billed monthly to the agencies, and payments made as a result of the billing shall be remitted to the attorney general and shall be deposited by him in a special account in the state treasurer's office, and the state auditor is hereby authorized to draw warrants on this account upon request of the attorney general when such moneys are needed to pay any of the costs of keeping the system operative. A strict accounting shall be kept of all receipts and disbursements and shall be available as a matter of record to members of the appropriations committee of the house of representatives as they may require in the performance of their duties. Law enforcement agencies, other than state of Montana or any of its subdivisions, that become ninety (90) days delinquent in payment of any fees approved and assessed hereunder shall be notified that they will be removed from the network, and the committee herein provided shall take the necessary steps to carry out this provision.

(d) A special assessment pro rata shall be made against all participating agencies for personnel necessary to assist in the operation

at one central location or key point at which there is a federal intertie, and this assessment shall be transmitted and deposited and drawn by warrant as are other warrants as previously provided under (c) above, except that the assessment shall not be levied against the one central station for which the assessment is made. Assessments made under the provisions of this act shall be approved by the committee.

Section 82-3904, R.C.M., 1947. Participation by local and other agencies. Any county, city, or other law enforcement agency may, with approval of the committee and the attorney general, connect to the system and participate in it upon payment of, or agreement to pay, those costs established by the committee.

Section 82-3905, R.C.M., 1947. Cooperation with federal law enforcement agencies--attorney general to enter agreements. The attorney general is hereby directed to contact federal law enforcement agencies or officials relative to federal cost sharing in the teletypewriter communications system, and if such funds are available from federal sources, the attorney general is hereby authorized to sign agreements with the federal agencies, subject to approval of the communications committee, and any federal funds received in any biennium for which Montana funds have been appropriated shall be deposited to the credit of the communication fund and shall be used, if at all possible, to reduce the spending of moneys as herein appropriated from the general fund.

Section 82-3906, R.C.M., 1947. Attorney general's report. The attorney general shall prepare a report in detail covering the operations of the communications network, the actions of the committee, the accounting of all moneys received and expended, and the need to expand or improve the system, and shall submit such report to the appropriations committee of every legislative assembly at the time funds are requested for the administration of this act.

Using state and local monies, this committee was able to establish and expand a 5-level teletypewriter system across the state. The 1969 Legislature increased the

state appropriation for this type of communication and at the end of 1969, there were 23 terminals in use.

In order to query NCIC in Washington, D.C. each terminal had to contact the Billings NCIC terminal, where messages had to be manually relayed in both directions.

During September and October, 1969, the system was monitored to determine the extent and type of use being made of it by law enforcement departments.

Over a 7-day period, a total of 1,954 messages were sent and received.

7-DAY LETS MESSAGE SURVEY

NCIC inquiries	209
NCIC entered	42
APB	257
Local received	362
Out of state received	303
Out of state sent	375
Local sent	387
Junk	19
TOTAL	1,954

The problems surrounding a single system of 23 terminals and 1,954 messages of approximately three minutes each are severe. Many departments complained that they could never get into the system; that requested information was often long delayed; and that the system was generally slow and inadequate at its present level of use.

The entire system needs to be revised and upgraded,

if it is to continue providing law enforcement with timely, usable criminal information.

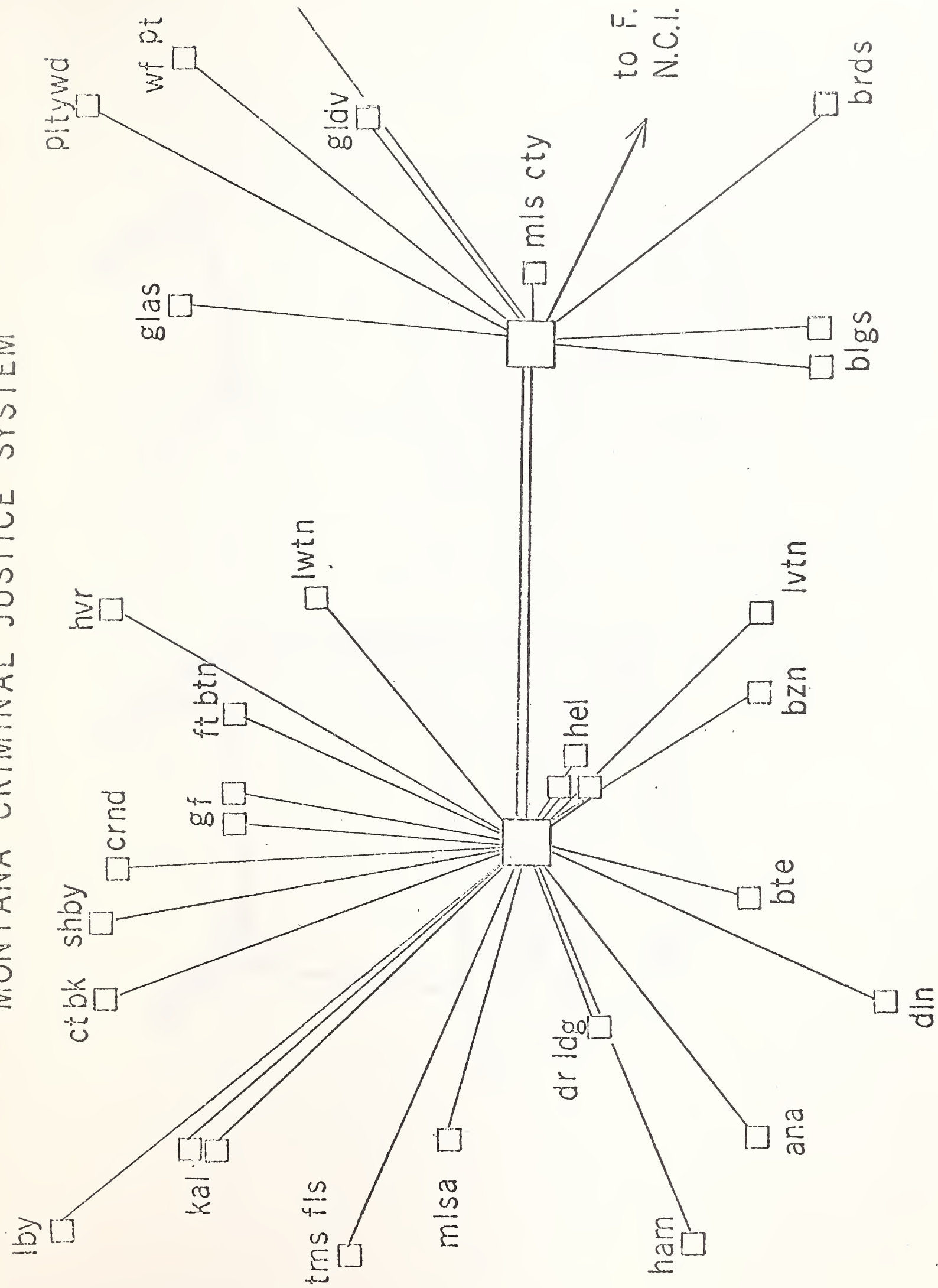
The need will be solved in 1970 by replacing the present 5-level machines with 8-level teletypewriters; by increasing the number of terminals in 1970 to 34; and by developing a state communications and information center to coordinate communications and disseminate state criminal information.

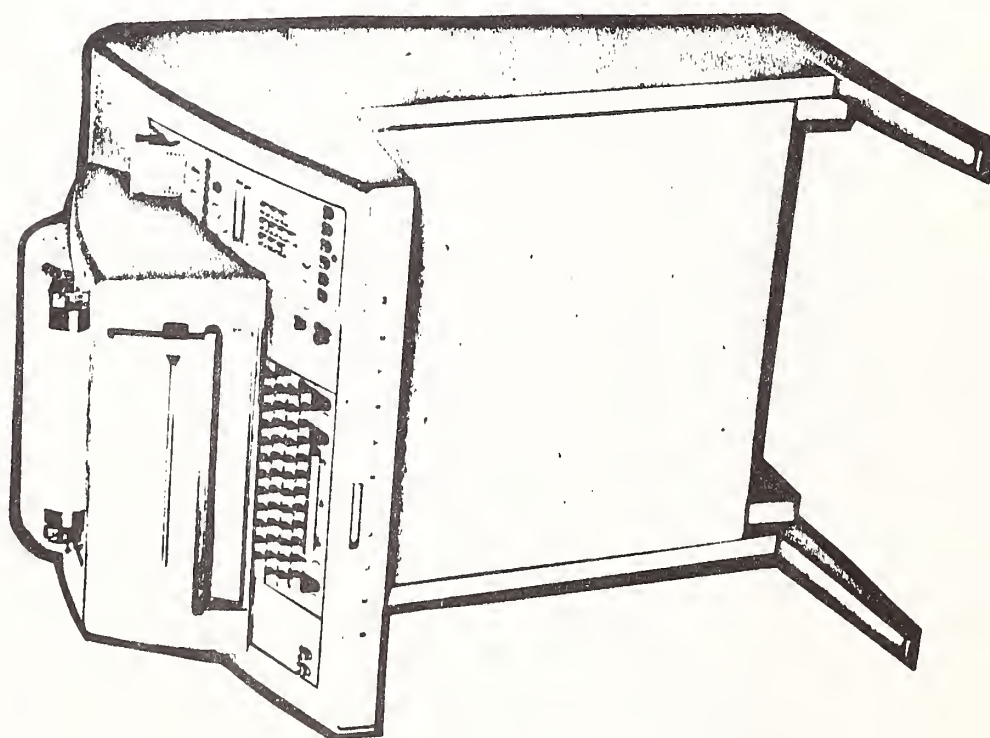
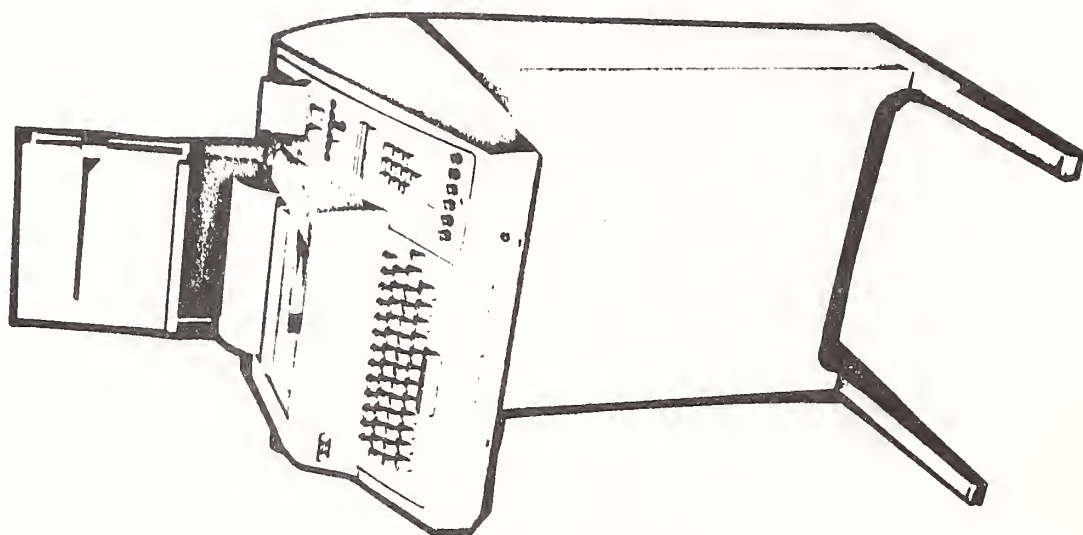
The new system solves the problem of a clogged communications system by permitting direct query of NCIC by all terminals; by increasing the speed of transmission to 100 words per minute, and by allowing one station to talk to another station without interrupting the ability of other stations to transmit or receive.

By developing a criminal justice information and data center in conjunction with a communications center, Montana will keep in step with national projects such as SEARCH, and with interstate cooperative communications agreements long needed and apparently now on the horizon.

A schematic of the system that will go into effect during July and August, 1970, follows.

MONTANA CRIMINAL JUSTICE SYSTEM





(2) Equipment

The equipment needs of local law enforcement agencies are as numerous as there are departments.

Very little planning is required to upgrade police equipment in areas other than radio communications. Since local units of government are requested to contribute to the state's comprehensive plan, and since equipment needs create real, everyday problems, it is only natural that law enforcement departments have made equipment purchase a high priority, and further, that equipment requests are varied--perhaps resembling a "shopping list."

The only "planning" SPA attempts in this area concerns the standardization of types of equipment. In other words, the type of equipment used for training at MLEA is recommended for purchase by local units. SPA is also alert to discounts available for large orders of the same piece of equipment.

	Page
6. COURTS	77

6. COURTS.

The needs, problems, and priorities in the area of courts has been the subject of intense study in Montana for a good many years by several different groups.

These efforts have resulted in the complete revision of Montana's rules of criminal procedure which went into effect January 1, 1967; a complete overhauling of the substantive statutes of Montana's criminal code, which will be submitted to the legislature in 1971, along with proposals for the restructuring of Montana's court system. The proposed changes are comprehensive and will provide Montana with an up-to-date, efficient criminal justice system.

Printed below are extracts of the proposed changes to be made. The major needs and problems of the system will be resolved if these changes are adopted by the Legislature.

A bill for an act entitled: "An act to submit to the qualified electors of Montana an amendment to the Montana Constitution generally revising the judicial system of Montana by eliminating justices of the peace, police and municipal courts, by transferring to the district courts of Montana jurisdiction over all matters presently being handled by inferior courts, by permitting the legislature to provide for the selection of judges by election or other methods, by creating the office of magistrate to aid the district courts in their functions, by allowing for only one appeal from decisions of the district court to the Supreme Court, by permitting the Legislature to increase the number of justices of the Supreme Court to no more than seven, by permitting the Legislature to provide for censure, suspension, removal or retirement

of justices and judges by methods in addition to the present system of impeachment, by permitting the Legislature to provide for the method for selection of clerks of court, and implementing the new judicial system by repealing Sections 1 through 18 and 20 through 37, Article VIII of the Constitution, by amending Section 8, Article III of the Montana Constitution to allow prosecution of all criminal offenses in the district courts of Montana, by amending Section 23 of Article III of the Montana Constitution to delete reference to justice court and to allow six (6) person juries in minor civil and criminal cases in district court, by amending Section 26, Article V of the Montana Constitution by deleting reference to regulating the practice and jurisdiction and duties of justices of the peace.

The problem of offender flow through Montana's criminal justice system must still be examined. During 1970, SPA will need to know about such things as court caseloads, sentencing practices, pre-sentence review, defense attorney and prosecuting attorney practices and activities. Recidivism studies concluded in 1969 indicate that sentencing practices should be reviewed. The trend toward probation instead of incarceration must be evaluated.

	Page
7. CORRECTIONS	80
a. Recidivism	81
b. Educational Background of Correctional Workers	94
c. Employment Data	99
d. Job Orientation and In-Service Training	101
e. Duration of Orientation Training	102
f. In-service Training	102
g. Nature of Training	103
h. Nature of Past Training	104
i. State and National Conference Attendance	105
j. Attitude Toward Training Programs	106
k. Usefulness of Future Training	107
l. Topic Areas	108
m. Meeting the Correctional Training Program in Montana	112

7. CORRECTIONS.

The needs and problems facing Montana's correctional system, at both the state and local level, are vast indeed. Perhaps the greatest changes to be seen in the criminal justice system will be in the area of corrections and rehabilitation in the next few years.

Montana's corrections system and the attitudes of correctional authorities have, until recently, remained virtually unchanged for decades.

Ancient and inadequate buildings and facilities are but a part of the problems facing corrections. Poorly trained and underpaid personnel guarantee a rapid turnover of staff. Heavy field caseloads prevent adequate probation and parole supervision. Alternatives to incarceration for both juveniles and adults are not widespread and not often used when available.

The need to upgrade correctional personnel--at the state prison, the juvenile institutions and in the field--is the first priority for 1970. MLEA has developed several schools for correctional personnel for the first time this year. Prison personnel will receive intensive in-service training during 1970. The need to expand the prison training program is a continuing one. Field personnel must be taught new counseling and guidance techniques.

There is a great need to revise and update the conditions of release on parole and probation, and to

concentrate and coordinate existing resources available from other state and federal agencies upon the re-entry process of the offender into society.

There is a need for personnel in the criminal justice system to have information concerning recidivism rates in Montana.

a. Recidivism.

The following is an analysis of recidivism rates and sentencing practices in Montana, especially the 30-60-90-120 day suspended sentence. For several years, it has been the practice to suspend all of an offender's sentence except for a short period to be served in the state prison.

This data is directed toward two audiences. The primary audience consists of those persons with a statistical background. As a consequence, Tables 1-4 are presented for the interest of the statisticians, while Tables 5 and 6 are of general interest to all parties.

There are several research questions addressed. These are presented in the following format: First, a research question is stated. This is followed by a discussion of the analysis. Finally, a conclusion is drawn about the research question.

The data presented in this appendix lend support to several inferences:

1. The length of time served in prison has little effect on the recidivism rates.

2. Persons serving 31-60 days with the rest of the sentence suspended recidivate less than those serving less than 30 or more than 60 days.

3. The age of the individual when he entered the system has little relationship to his recidivism rate.

This appendix is a very limited analysis of recidivism rates and sentencing patterns in the Montana State penal system. It is presented as an indication of some of the types of research which can be done to develop hard data for statewide planning and legislation in the area of criminal justice and law enforcement. The data for this study were obtained by analyzing records of prisoners who had served at the Montana State Prison between January, 1963 and December, 1968. In late 1962, Montana judges began imposing a different form of a sentence for some convicted felons. These individuals were sentenced to serve between 30 and 120 days in the Montana State Prison in Deer Lodge. The remainder of the sentence (which ranged from 1-15 years) was suspended. The individual was placed on probation after serving the short sentence.

The first offender data that is discussed within the appendix was obtained from an analysis of the records of persons entering the system for the first time in 1964. This year was chosen because it gave a 5-year time span in which to monitor parole violation, probation violation and return rates on these charges.

RESEARCH QUESTION NO. 1

Is there a difference in recidivism rates between persons serving suspended types of sentences and those serving the entire sentence?

Analysis

From the point of view of pure economy, if the suspended sentence persons recidivate less or even at the same rate as others, then it is more economical to sentence the majority of convicted felons to the short-term sentence. It is, of course, clear that economics are not and should not be the only consideration in sentencing. The first step in answering this research question is to determine whether or not the crimes for which both groups were sentenced were the same. An analysis of these crimes indicated that the difference between groups was not significant, that is, both groups were convicted of the same general type of crimes. The next step in the analysis indicated that the difference in recidivism rates was also not significant.

Conclusion

The conclusion to be drawn to the first research question is that there is no difference in the recidivism rates between the suspended and nonsuspended types of sentences.

RESEARCH QUESTION NO. 2

Is there a difference in recidivism rates between various groupings of suspended sentence persons?

Analysis

In this analysis there were four groups to be considered. Group A consisted of persons serving 30 days or less. Group B consisted of those serving 31-60 days. Group C consisted of those serving 61-90 days, and Group D consisted of those serving 91 days or more.

A statistical test was performed to determine if the crimes for which the groups were sentenced were similar between the groups. The differences in crimes between the groups were not significant (See Table 1.)¹ This provides a reasonable basis from which to continue the analysis. Table 2 presents the mean recidivism rate for each group as well as the standard deviation and variance around that mean. Tables 3 and 4 express the results of the attempt to answer this question. Table 3 shows there is, indeed, a difference in recidivism rates between groups of suspended sentence felons. Table 4 shows that the difference lies between Group A and Group C. The inference which is drawn from this is that since Group B and Group C differ while Group A and C do not differ, then Group A differs from Group B.

¹Tables 1-4 referred to on this page appear on pages 86 and 87.

Conclusion

There is a difference in recidivism rates between various groupings of suspended sentences. Specifically, persons serving 31-60 days and 91 or more days recidivate less than those serving less than 30 days or between 61-90 days.

RESEARCH QUESTION NO. 3

Does the age of the individual upon entering into the system have any bearing on his recidivism rate?

Analysis

To answer the third question, the data on all first offenders entering the system in 1964 were grouped into nine categories. Group 1 consisted of all 15 to 19 year old first offenders; Group 2 consisted of all 20 to 24 year olds; Group 3 consisted of all 25 to 29 year olds, and so forth to Group 9 which consisted of all 55 to 60 year olds.

Table 5 shows the recidivism rates in per cent by group. (See page 87). A planned comparison analysis was performed comparing Groups 1, 2 and 3 against Groups 4, 6 and 7. The intent of this analysis was to ascertain if there existed a difference in recidivism rates between the younger and older offenders. The analysis indicated that the difference between these groups was not significant.

Conclusion

There is no firm relationship between the age of an

TABLE 1

ANALYSIS OF VARIANCE
COMPARISON OF CRIMES FOR FOUR SUSPENDED SENTENCE GROUPS

Source of Variance	Sum of Squares	Degrees of Freedom	Mean Squares	F Ratio
Total	1,118			
Between Groups	49	3	16.33	2.24 N/S
Within Groups	1,069	147	7.27	

MEAN RECIDIVISM RATES
STANDARD DEVIATIONS AND VARIANCES BY GROUPS
TABLE 2

Group	Mean	Standard Deviation	Variance
A (30 days	.294	.4583	.2100
B (31 - 60 days)	.167	.3768	.1419
C (61 - 90 days)	.526	.5128	.2629
D (91 -120 days)	.400	.6325	.4000

ANALYSIS OF VARIANCE OF GROUP RECIDIVISM RATES
TABLE 3

Source of Variance	Sum of Squares	Degrees of Freedom	Mean Squares	F Ratio
Total	38.85	150		
Between Groups	9.93	3	3.31	16.8 significant at .01
Within Groups	28.92	147	.197	

DIFFERENCE t TESTS OF GROUPS OF SUSPENDED SENTENCE PERSONS

TABLE 4

Group B to C	t = 3.042	significant at .05
	59	
Group B to D	t = .613	not significant
	45	
Group A to C	t = 1.306	not significant
	88	

RECIDIVISM RATES BY AGE GROUP

TABLE 5

AGE	COMMITTED	VIOLATED	%
15-19	31	13	41.9
20-24	69	22	31.8
25-29	20	7	35.0
30-34	18	8	44.0
35-39	13	1	7.7
40-44	10	3	30.0
45-49	7	3	43.0
50-54	4	0	0
55-60	4	0	0

CRIMES BY SENTENCES, RACE, SEX, AGE AND PRIOR OFFENSES

TABLE 6

Crimes	Convictions		Avg. Sentence		Race					Sex	
	First	Priors	Priors	No	W	I	I-W	N	O	M	F
Burglary	62	29	3.50	4.50	63	20	5	2	1	89	2
Check Charges	42	53	2.33	3.42	81	11	3	0	0	90	5
Grand Larceny	20	21	2.40	3.90	30	9	2	0	0	38	3
Assaults	9	5	4.66	8.40	9	3	1	1	0	14	0
Auto Thefts	7	5	1.93	3.10	7	4	1	0	0	12	6
Robbery	10	6	8.20	6.66	14	2	0	0	0	16	0
Sex Offenses	7	6	9.70	15.66	11	2	0	0	0	13	0
Misc.	22	6	5.00	14.00	23	5	0	0	0	28	0
Totals	179	131			238	56	12	3	1	300	10
	58%	42%	4.72	7.46	77%	18%	4%	1%		97%	3%

(cont'd)

CRIMES BY SENTENCES, RACE, SEX, AGE AND PRIOR OFFENSES

Crimes	24 & Under	25-29	30-34	35-39	40-44	45-49	50-54	55 & O	TOTAL
Burglary	56	14	11	2	3	2	1	2	91
Check Charges	28	17	15	13	6	6	6	4	95
Grand Larceny	15	10	1	2	4	6	1	2	41
Assaults	4	6	2	0	0	0	1	1	14
Auto Thefts	6	1	1	1	2	1	0	0	12
Robbery	11	2	0	3	0	0	0	0	16
Sex Offenses	2	3	1	3	1	1	2	0	13
Misc.	10	6	5	1	2	1	0	3	28
Totals	132	59	36	25	18	17	11	12	310
	42½%	19%	11½%	8%	6%	6%	3½%	3½%	

offender on entry into the system and his expected recidivism rate.

The following discussion does not follow the research question, analysis and conclusion format. It is presented to be of general interest to the criminal justice community.

Table 6 (page 88) is a synthesis of selected data from records of those persons incarcerated at Deer Lodge between January 1963 and December 1968. The total number of first offense convictions and prior offense convictions are expressed as average sentences. Also shown are the age, sex, and race of persons by crimes. The heaviest cluster of age by crimes occurs in the under 35 year age category. Of particular interest is the average sentence of persons convicted of robbery. Persons with no prior conviction were sentenced to an average of 8.2 years. This apparent anomaly can be attributed to the fact that two of the robbery convictions with no priors resulted in sentences of 15 years each; this tends to skew the data. Both of these persons were sentenced by the same judge and both were under 24. Excluding those two, the average sentence of persons convicted of robbery with no prior convictions was 6.5 years.

The following study, performed by SPA during 1969, indicates a need to develop new methods to treat forgery, fraudulent check and other check related offenders.

In 1966, 95 persons of the 310 sent to the State Prison were convicted of check-related offenses--about 31 per cent--far higher than commitments on any other charge. 53 of the 95 sentenced (55.7%) had prior convictions--a recidivism rate 14 per cent higher than the overall 1966 recidivism rate.

First offenders received an average sentence of 2 1/3 years and served an average time of 243 days.

The 95 persons involved in this study wrote 177 checks in the total sum of \$10,252.30--about \$58 per check and an average of \$107.92 per person.¹ These 95 persons spent a total of 33,572 days in the State Prison at a cost of about \$7.75 per day (in 1966) for a total cost to the taxpayer of \$260,518--about \$2,742 per check writer. This figure DOES NOT include the cost of arrest, county jail time, prosecution and defense or transportation to the State Prison, nor does it include the cost of supervision after release.

The study points out the need to examine what safeguards exist, if any, to protect the public and the business sector from fraudulent check writers. Clearly, there is also the need to develop a more effective and less costly method of handling bad check offenders.

¹These figures are not totally accurate. The figures were compiled from prison records and files. It is common practice for prosecuting attorneys NOT to list all the bad checks a person writes in the complaint. We have no idea how many more bad checks written by these individuals might still be in a county attorney's drawer or file.

There is also need to examine the causes of this type of crime, i.e., alcoholism, poverty, etc.

The remainder of this discussion about the needs, problems and priorities in the area of corrections is taken directly from a study and report conducted by the Western Interstate Commission for Higher Education (WICHE) and compiled by Don Robel, Superintendent of Mountain View School, Helena, Montana.

a. Personnel Data¹

The manpower study begins with a description of the personal characteristics of the correctional staff employed in Montana in 1969. The staff is described in terms of age, sex and race or nationality.

¹Western Interstate Commission for Higher Education, May, 1969, "A Survey of Correctional Manpower," Page 8.

CHARACTERISTICS

Descriptive Categories	Montana Per Cent	Regional Per Cent	National Per Cent
Age:			
Under 21	----	----	----
21-29	19.0	8.0	21.0
31-34	9.0	19.0	10.5
35-49	35.0	51.0	22.5
50-64	36.0	28.0	45.0
65+			
Sex:			
Male	99.4	87.0	86.0
Female	.6	13.0	14.0
Race or Nationality:			
Anglo	92.7	91.0*	91.0*
Spanish American	.5	4.0	4.0
Negro	----	----	----
Indian	1.6	----	----
Oriental	.5	1.0	----
Other	4.7	----	----

*Percentages total more than 100% due to overlap in categories (i.e., Spanish American - Anglo.)

In this particular section and in other parts of the survey, figures have been included that represent similar trends in the western region and in the entire nation. These figures should provide a useful comparison and demonstrate Montana's place within the broader perspectives of regional and national correctional manpower.¹

A number of conclusions can be made from the data presented in the above table concerning the distribution of

¹The source for these regional and national figures is the survey conducted for the Joint Commission on Correctional Manpower and Training by Louis Harris & Associates during 1968.

personnel. Inasmuch as there is only one female juvenile probation or parole officer (of those who responded) and no women in the field in the adult area, there is a need for more women (should be recruited) in both the juvenile and adult correctional field worker areas. Also noteworthy is the fact that the percentage of female correctional workers in Montana is far below the national average.

Only 19 per cent of the correctional workers are under 30 years of age. This group constituted approximately 22 per cent of the juvenile workers and 19 per cent of the adult workers. The small percentage would indicate that the recruitment of recent college graduates is very low. This fact is supported by the low percentage of college graduates currently employed as correctional workers. More will be said about this in the following section.

At the present time, only 1.6 per cent of those who responded were of Indian descent. Because of the high percentage of Indian offenders in the state institutions (approximately 24 per cent in the State Prison and 39 per cent in the juvenile institutions), it is obvious that there is a need for more correctional workers of Indian extraction.

b. Educational Background of Correctional Workers

The following table displays the academic achievement of correctional workers in the State of Montana. The

highest certificate awarded to more than 86 per cent of the workers was a high school diploma. Nevertheless, 17 per cent of the people in this group did attend college for two years or less.

HIGHEST DEGREE OF CERTIFICATION
OBTAINED BY CORRECTIONAL STAFF

DEGREE OF CERTIFICATE	MONTANA		REGIONAL	NATIONAL
	No.	%	%	%
No degree or certificate	41	21.0	1.0	2.0
G.E.D.	22	11.3	NA*	NA
High School	105	54.0	5.0	11.0
A.A.	3	1.6	11.0	12.0
B.A. or B.S.	16	8.2	34.0	28.0
Master's Degree	2	1.0	10.0	21.0
Ph.D.	0	----	2.0	2.0
Other	6	3.0	NA	NA

*Not Applicable

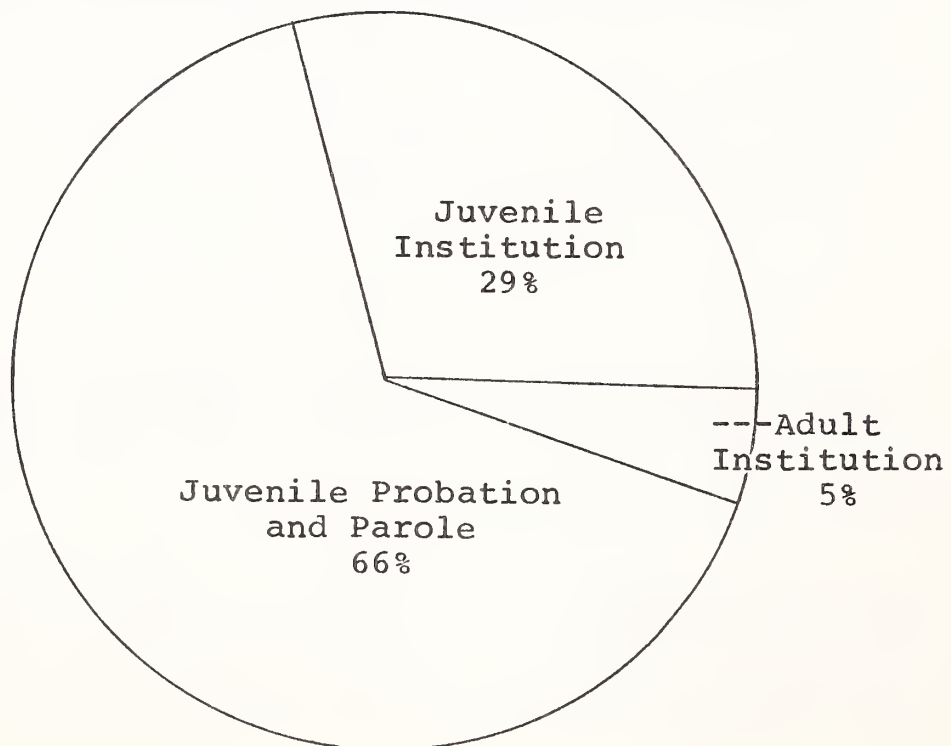
There appears to be a large gap in the extent of formal education between the Montana correctional workers and corrections personnel in the region and the nation. This variation can be more easily demonstrated by converting the above percentages to ratios:

Levels of Education	Ratio of Percentages			
	Montana	Nation	Montana	Region
High School diploma or less	14%	: 1%	6½%	: 1 %
B.A., B.S., and graduate degrees	1%	: 5%	1 %	: 5½%

At the lower educational levels, Montana has a significantly greater percentage of workers when compared to the region and to the nation. And at the levels of higher education, Montana falls behind the region and the nation.

The job assignments of personnel with college degrees (less than 10 per cent of the total number of employees) are concentrated in working with the juvenile offender. Of the total number employed as juvenile parole officers, 83 per cent hold at least a baccalaureate degree. Similarly, one out of three of the juvenile probation officers hold degrees. As an absolute value, this is not particularly high but, in contrast, there are no workers in adult probation and parole with college degrees.

CORRECTIONAL ASSIGNMENT OF STAFF
WITH A BACHELOR'S OR MASTER'S DEGREE (N=19)



As shown in the following table, personnel enter the field of corrections from almost every possible college background. As preparation for employment, the survey respondents rated their education from "poor" to "excellent."

ACADEMIC BACKGROUND OF
STAFF PREVIOUSLY ATTENDING COLLEGE

Academic Areas of Major Emphasis	No.	Montana %	Regional %	National %
Behavioral Science*	8	36.0	40.0	59.0
General Liberal Arts	4	22.0	7.0	7.0
Business	3	20.0	2.4	3.5
Education	NA**	NA	12.0	15.5
Miscellaneous	4	22.0	38.6	15.0

*Psychology, sociology, social work, criminology, corrections.

**Not applicable

Course work in the behavioral sciences should be encouraged by correctional institutions within the state--both as a prerequisite for employment and as on-going education while employed. This in turn will no doubt mean exerting some demand for greater availability for study in the behavioral science area, particularly in the departments of criminology and corrections.

In general, there is an obvious need for recruitment of college graduates into the field of corrections. It is possible that the pay scales will not permit the recruitment

of college graduates for prison correctional officers or house parents, but college graduates should be recruited as juvenile probation officers and adult probation and parole officers.

If a significantly higher number of college graduates cannot be immediately recruited, compensatory action must be taken in providing more in-service training. This is not only logical but in line with the fact that 91 per cent of the people in the field who replied have no bachelor's degree and yet, 98.2 per cent of all those who responded felt that in-service training is valuable in helping them to do a better job.

Respondents evaluated their education in the following way. About 91 per cent of those employed considered formal education and previous employment as effective preparation for their jobs. However, over 97 per cent felt that actual work experience and training since entering the field of corrections is the most valuable training area for effective work. Apparently, personnel value their past educational experience but place a still higher value on continued on-the-job training and job-related experience.

In comparison, a national survey of correctional workers revealed that 94 per cent consider their formal education to be effective. Regionally, the same percentage gave the same evaluation to their formal education.

c. Employment Data

Three general categories have been used to describe the distribution of the current correctional staff. The following breakdown gives the number of staff in each category: (1) adult-juvenile, (2) field-institution, and (3) working with male and/or female offender.

DISTRIBUTION OF CURRENT CORRECTIONAL STAFF

<u>Position Description</u>	<u>% of Staff</u>
1. Adult Corrections	56%
Juvenile Corrections	44%
2. Field Personnel	31%
Institutional Personnel	69%
3. Working with Male Offender	40%
Working with Female Offender	10%
Working with Both Male and Female Offenders	50%

Of those responding to questions concerning current employment in the correctional field in Montana, 70 per cent of the total personnel have entered the field since 1960. Of these, approximately 85 per cent of the adult correctional workers have entered the field in the last eight years whereas 61 per cent of those working with juveniles entered the field in this same eight-year period. Working in the juvenile area is somewhat more conducive to long-term employment. Approximately 50 per cent of the Montana correctional employees have held their present positions two years or less. This extraordinary mobility

within the field may suggest the need for some modifications in personnel policies, fringe benefits, salaries, etc.

In comparison, note the regional and national breakdown of percentage of workers employed over specified periods of time. There tends to be greater stability regionally and nationally than in Montana.

PERCENTAGE OF WORKERS EMPLOYED		
No. of Yrs. in Correctional Work	Percentage of Staff	
	National	Regional
Under 1	4%	2%
1 - 3	13%	11%
4 - 5	9%	7%
6 -10	22%	25%
11 -15	18%	19%
15 +	34%	35%

The occupational background of those entering the correctional field in Montana as well as the western region and the nation is reflected below:

OCCUPATIONAL BACKGROUND OF CURRENT STAFF			
BACKGROUND AREAS	MONTANA %	REGIONAL %	NATIONAL %
Religion	.5	NA*	NA
Teaching	1.0	6.0	8.0
Student	3.0	21.0	16.0
Government	5.0	32.0	32.0
Military	8.0	13.0	10.0
Law Enforcement	15.0	NA	NA
Business & Industry	31.0	19.0	22.0
Unknown	36.0	5.0	5.0

*Not Applicable

In Montana, over half of those who come from the field of law enforcement entered the probation field. The military personnel that were recruited went into adult correctional institutional work at a rate of about 50 per cent. Of those who listed their previous occupation as "other", 70 per cent are now juvenile institution personnel or adult institutional correctional officers. These people most probably were housewives, agricultural employees, or from miscellaneous fields of endeavor.

d. Job Orientation and In-Service Training.

Of the respondents, 85 per cent stated that there was some form of orientation or in-service training available. The availability of this training varies with correctional departments. In juvenile probation and parole, 49 per cent of the personnel had the opportunity for training. Similarly, 82 per cent of the juvenile institutional personnel and 95 per cent of the adult probation and parole personnel indicated that training was available.

Conspicuously absent is the availability of orientation training for the juvenile correctional field worker and more specifically, juvenile probation officers and supervisors. This may be related to the fact that the juvenile institutions are small and that new employees are hired only when a single vacancy arises and they are immediately placed in a position and then trained "on the job". Because Montana is a rural state, most juvenile

probation departments consist of one man and it is usually only when this employee retires, dies, or is dismissed that there is a vacancy. Someone must be recruited at once to replace him. Here again, the only answer seems to be in-service training rather than orientation training in the usual sense of the word.

e. Duration of Orientation Training

Of the juvenile field workers who received orientation training, 53 per cent listed a training period of one week or less. Similarly, 65 per cent of the adult field workers who reported receiving orientation training received training of one week or less. Whereas, 68 per cent of the adult correctional institution workers received orientation training lasting from three weeks to one month, only 16 per cent of the juvenile correctional institutional workers received training of the same duration. There is an obvious lack of adequate orientation training for all correctional workers and a more serious deficiency exists among juvenile field and institutional workers than among personnel working with adults. Similarly, the length of orientation and in-service training of the existing programs is inadequate except for the adult institution correctional worker.

f. In-service Training

Adult correctional people received more orientation training than the juvenile correctional staff, but the

data indicated that the juvenile workers received more in-service training than was available in the adult field. For instance, 55 per cent of the juvenile probation and parole personnel received in-service training of one week or more per annum per person as compared to 33 per cent of the adult probation and parole correctional staff.

The above trend is also true for the correctional institution workers--58 per cent of the juvenile correctional institution workers receive one week or more in-service training per year compared to 33 per cent of the adult correctional institution workers.

g. Nature of Training

The data indicates that Montana's correctional workers consider ALL sources of training useful; however, certain sources were considered more beneficial than others. The following order of preference is established by the percentage of workers considering the various sources "very useful".

RANK ORDER OF TRAINING SOURCES PREFERRED

Training Sources	Personnel Preference
1. Training Programs Sponsored by the Employing Agency or Institution	85.0
2. University Seminars	65.0
3. Training Programs at other Agencies or Institutions	59.0
4. Training Sessions Sponsored by Professional Organizations	59.0
5. University Course Work	59.0
6. Correspondence Course Work	24.0

The majority of correctional workers considered training programs at the agency or institution as the most useful. However, all training seminars at colleges, other institutions and agencies, training by professional organizations and societies, college credit courses, were listed as very useful by approximately 60 per cent of the group. The only method of training that was not preferred by the majority was correspondence courses. This may be related to the fact that there are few available in correctional work.

h. Nature of Past Training

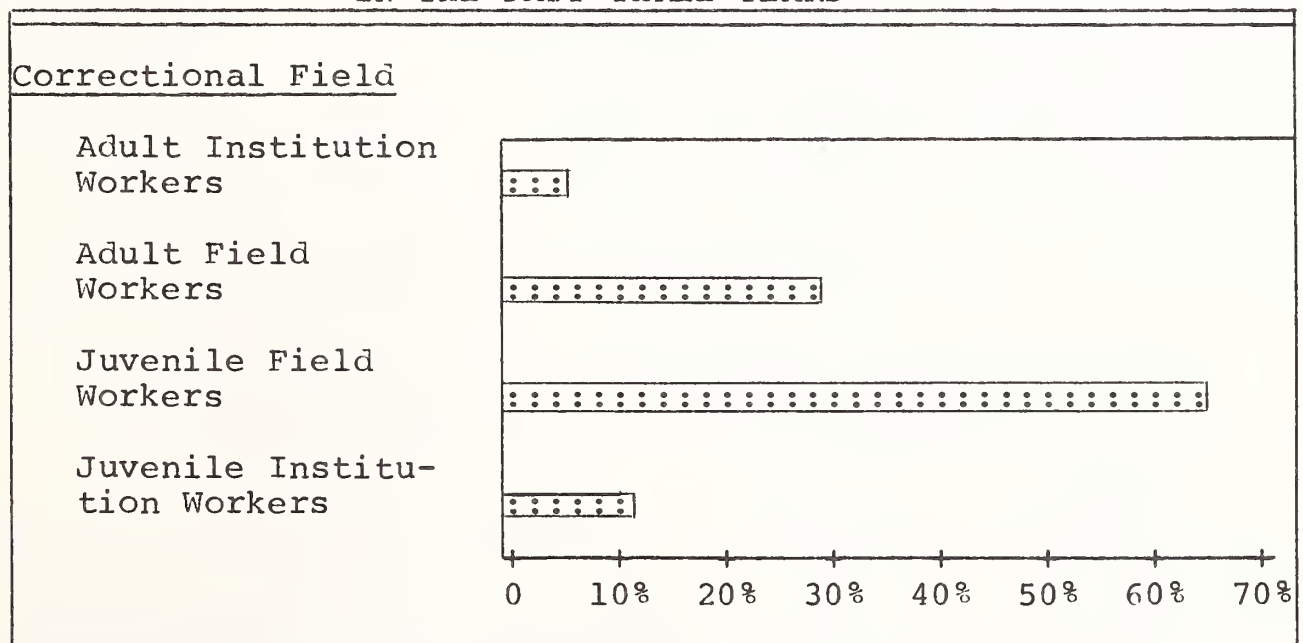
Of those who participated in training programs in the past, 17 per cent of the juvenile correctional personnel participated in security operations while 83 per cent participated in programs which related to communications,

supervision, human behavior, treatment and decision making. Conversely, in the adult field, 82 per cent of the training was in security while only 18 per cent of the respondents were involved in behavioral, communications, and related studies.

i. State and National Conference Attendance

A record of attendance at state and national conferences again indicates that juvenile probation and parole personnel as well as adult probation and parole personnel are receiving significantly more training than insitutional workers. The following graph indicates this most clearly.

BREAKDOWN OF ATTENDANCE
AT STATE OR NATIONAL CONFERENCES
IN THE PAST THREE YEARS



The majority of the respondents (83.5 per cent) had not attended a state or national conference in the past three years. The only group that has any significant attendance

record is the juvenile probation and parole field. This is probably related to the efforts of the Montana Correctional Association which has had at least one training session each year at one of the colleges or universities. The most active members in this organization are usually juvenile probation and parole officers. All correctional workers in the State of Montana need to attend more state and national conferences where ideas are exchanged and common problems are discussed. Such conferences are almost non-existent except for those sponsored by the Montana Probation, Parole and Correctional Association.

j. Attitude Toward Training Programs

Again the usefulness and corresponding high value associated with training programs is reinforced by the attitudinal survey of personnel. Although correctional workers in Montana may not include a high number of college graduates, the data does indicate that the correctional workers are very interested in future training in all areas from security training to treatment methods.

Ninety-four per cent of all the correctional workers who have never participated in an agency-sponsored training program are interested in future in-service training. The correctional worker must feel that the past training programs were of some value since 98.2 per cent of those who have attended felt that the training was helpful.

k. Usefulness of Future Training

Of those responding concerning their preferences and probably usefulness of training in specific subject areas in the future, the data indicated that all areas mentioned would be useful--whether it is in psychology, sociology, criminology, social work, or specific job-related areas of concern such as security, custody, supervision, communications, or decision making. Correctional workers in Montana feel that they are in need of more education related to helping them understand the client and, at the same time, perform their jobs more efficiently. The least preferred area for future training was in public administration. Criminology or corrections was rated as most preferred followed by psychology and education.

Personnel were asked to evaluate each area of study as "very useful", "somewhat useful", or "not useful". The following table represents the correctional workers preference for certain specified areas of study.

EVALUATION OF CERTAIN ACADEMIC AREAS AS
CONTENT FOR FUTURE TRAINING PROGRAMS

	Not Useful	Somewhat Useful	Very Useful
Criminology or Corrections	5.0%	24.7%	72.4%
Psychology	2.2%	28.2%	69.0%
Education	2.7%	28.8%	68.5%
Social Work	9.8%	33.7%	56.5%
Sociology	5.0%	38.8%	56.2%
Law	7.8%	40.6%	51.7%
Public Administration	18.2%	49.4%	32.4%

1. Topic Areas

Concerning specific topic areas, correctional personnel indicated a very strong interest in all the areas related to correctional work regardless of their own specialty. Over 90 per cent of all respondents indicated that every one of the seven suggested topic areas¹ would be either "very useful" or "somewhat useful". The specific response to each topic area is shown in the table below. The implications of this group's variation in interest will be discussed in greater detail.

EXPRESSED INTEREST (BY % WHERE N=195) IN CERTAIN TOPIC AREAS AS SUBJECTS FOR FUTURE TRAINING

Security/Custody/Restraint	92.3%
Communication Skills	93.9%
Treatment	98.4%
Supervision	98.9%
Decision Making	98.9%
Administration of Justice	98.9%
Human Behavior	99.4%

There is an overwhelming number of correctional employees who expressed interest in all of the areas mentioned on the questionnaire. This in itself is significant; however, it is necessary to make a more detailed analysis of this response.

By subdividing the correctional staff into four descriptive categories of employment, there is visible a

¹Seven topic areas: Security/Custody/Restraint; Communication Skills; Supervision; Human Behavior; Treatment; Decision Making and Administration of Justice.

correlation of preference between certain employment categories and specific topic areas. These correlations can be seen in the following chart. The percentages recorded are based on the number of people in each occupational group giving a specific topic area the rating of "very useful" on the questionnaire.

CORRELATION OF PREFERENCE BETWEEN CERTAIN EMPLOYMENT CATEGORIES

	Adult Institution Workers	Adult Field Workers	Juvenile Field Workers	Juvenile Institution Workers
Security-Custody-Restraint	80%	50%	16%	70%
Communication Skills	56%	72%	69%	83%
Supervision	89%	95%	76%	94%
Human Behavior	86%	84%	92%	92%
Treatment	66%	78%	96%	83%
Decision Making	89%	84%	81%	83%
Administration of Justice	55%	73%	59%	54%

It is apparent that there is a need for separate training programs for each of the different fields in corrections: juvenile probation officers and supervisors, juvenile parole officers and supervisors, juvenile institution workers (including caseworkers, supervisors, and houseparents), adult probation and parole officers and supervisors, adult institution workers (including caseworkers, correctional officers and supervisors). Separate training programs would probably need to be initiated and continued by the individual institution and/or agency or combinations of two or more similar institutions and/or agencies. Such training would be more related to the individual problems, needs or wants of the specific field and would naturally consist of smaller groups.

For example, the data indicates that despite the fact that the adult institutional correctional workers are apparently receiving an adequate amount of security/custody/restraint training, they still desire more training in this area. It is noted, however, that they still desire more training in all other areas.

Quite the opposite is the juvenile institution worker who has had little security/custody/restraint training in the past but is also interested in such training for future in-service training programs. This is possibly related more to the "crisis situation" training sessions than security in the general sense of the word.

All correctional workers, whether adult or juvenile workers, institution or field workers, would also be able to participate as an entire group for training in the general study of such subjects as human behavior, sociology, psychology, criminology, etc.

Such programs are difficult to initiate due to the fact that the juvenile institutions are small in comparison to most states and it is impossible to allow a large number of employees the necessary time off to attend such training programs. In both the juvenile and adult probation and parole field, the workers are usually alone in a specific area of the state and, again, it is difficult for them to receive the necessary time off to attend such training sessions. This is further complicated by the geographical size of Montana, which requires people to travel great distances to attend even the centrally located training point in the state.

The above mentioned problems reinforce the need for further training in the Montana correctional system. Montana's institutions and field offices are isolated from each other and there is little opportunity to communicate with others in the correctional field.

m. Meeting the Correctional Training Program Needs in Montana

Possible solutions to training needs may be such programs as those furnished by traveling teams from the

colleges or universities, extension courses, community adult education courses, correspondence courses, training of a few who would return to the agency or institution to train others, more assistance given to organizations such as the Montana Correctional Association to expand and improve their annual seminars, more money available for attendance at state or national conferences, more assistance given individual institutions to expand or improve their orientation and in-service programs, and the expanded and improved use of tapes and movies as a training method.

There is also the need for other juvenile correctional field workers in the state to help train the recently employed juvenile field workers. One or more district courts could serve as training centers for those entering the field. It is further believed that there should be more training or experience related to one specific correctional field in relation to another field. Not only would the field workers or institution workers profit from experiences learned from their specific co-worker, they would also profit from experiences in another field, i.e., the institution caseworker working as a probation or parole officer in the field for a short period of time prior to or even after employment.

It should be noted that several courts and institutions in the state are already involved in the training of possible future correctional workers by providing "internships" as probation officers, parole officers, or

institution workers. These young people, selected from the colleges and universities, work for a very small salary and college credit or through the WICHE program and the work-study program. It is observed that several of these young people have entered the Montana correctional field upon graduation. Most are employed as juvenile probation, parole officers or caseworkers in the institutions.

There is apparently no such pre-service training available for the non-college student in the area of houseparents or adult institution correctional officers. A program similar to the work-study program is needed to provide the opportunity for the non-college person to work in a correctional setting to help him decide if he is capable and/or interested in entering the correctional field.

The data shows that correctional workers in the State of Montana are sincerely interested in future staff training-- 98.9% of the respondents considered such training "important" or "very important". The respondents indicated that they are not as interested in personal advancement or recognition as they are in excellence of job performance. It is hoped that the desired and necessary training not available today will become a reality in the future. Also, this training and the associated increase in staff competence should be rewarded financially or in compensation for time spent in training.

Page

8. JUVENILE DELINQUENCY AND THE JUVENILE
JUSTICE SYSTEM

116

8. JUVENILE DELINQUENCY AND THE JUVENILE JUSTICE SYSTEM

Local units of government and regional advisory councils in 1969 and again in 1970 considered the area of juvenile delinquency to be one of Montana's most pressing problems and placed it high on the priority list for action.

Comprehensive planning for juvenile delinquency is an exceedingly difficult task. The first problems for consideration are quantitative data and the procedures used in handling delinquents. How much delinquency occurs in Montana? What types of delinquent behavior prevails? How is the delinquent child handled by our police, sheriffs and courts? Is there "justice" in the juvenile justice system?

Just as the average sportsmen consider themselves "experts" on fish and game conservation, there are many "experts" expounding on the problems of juvenile delinquency and how these young persons should be treated by the law and the courts. There is no consensus of opinion, however, and at times planning efforts and subsequent actions take off on varied courses with conflicting objectives. Each jurisdiction, city and county considers its juvenile delinquency problems and solutions to be unique.

In the face of this dilemma, SPA decided to restrict its activities during 1969 and 1970 to data

collection. This pursuit in itself was rather ambitious in view of past attitudes objecting to the release of juvenile information to agencies not within that particular jurisdiction.

Nevertheless, a data collection pilot project was conducted during the months of September, October and November, 1969, in 14 counties (six judicial districts).

A map showing the coverage of the pilot project is on page 119.

The following data form was tested during the pilot period, revised, reprinted and distributed in January to every juvenile probation officer in Montana. The improved form has proved to be useful not only for statewide data collection but also for individual filing and reference purposes of the probation officers.

Data compiled from the pilot project points out several needs and problems.

As an example, 23.5 per cent of the juveniles 10 years of age and under had prior delinquencies. Twenty-five per cent of the 11-year-olds; 8.9 per cent of the 12-year-olds; 8.7 per cent of the 14-year-olds; 57.8 per cent of the 15-year-olds; 65.7 per cent of the 16-year-olds; and 62.5 per cent of the 17-year-olds had prior delinquencies.

Such a high rate of prior delinquencies indicates a need to improve youth services especially when youngsters have their first contact with law enforcement authorities. Of the 803 youths (656 males, 147 females) referred to a probation officer, 597 were referred by law enforcement agencies.

Furthermore, most of these youngsters are in school full time (75 per cent), some live at home with natural parents (60 per cent) and a family income of over \$5,000 (59 per cent).

The delinquency patterns by type and age are shown on page

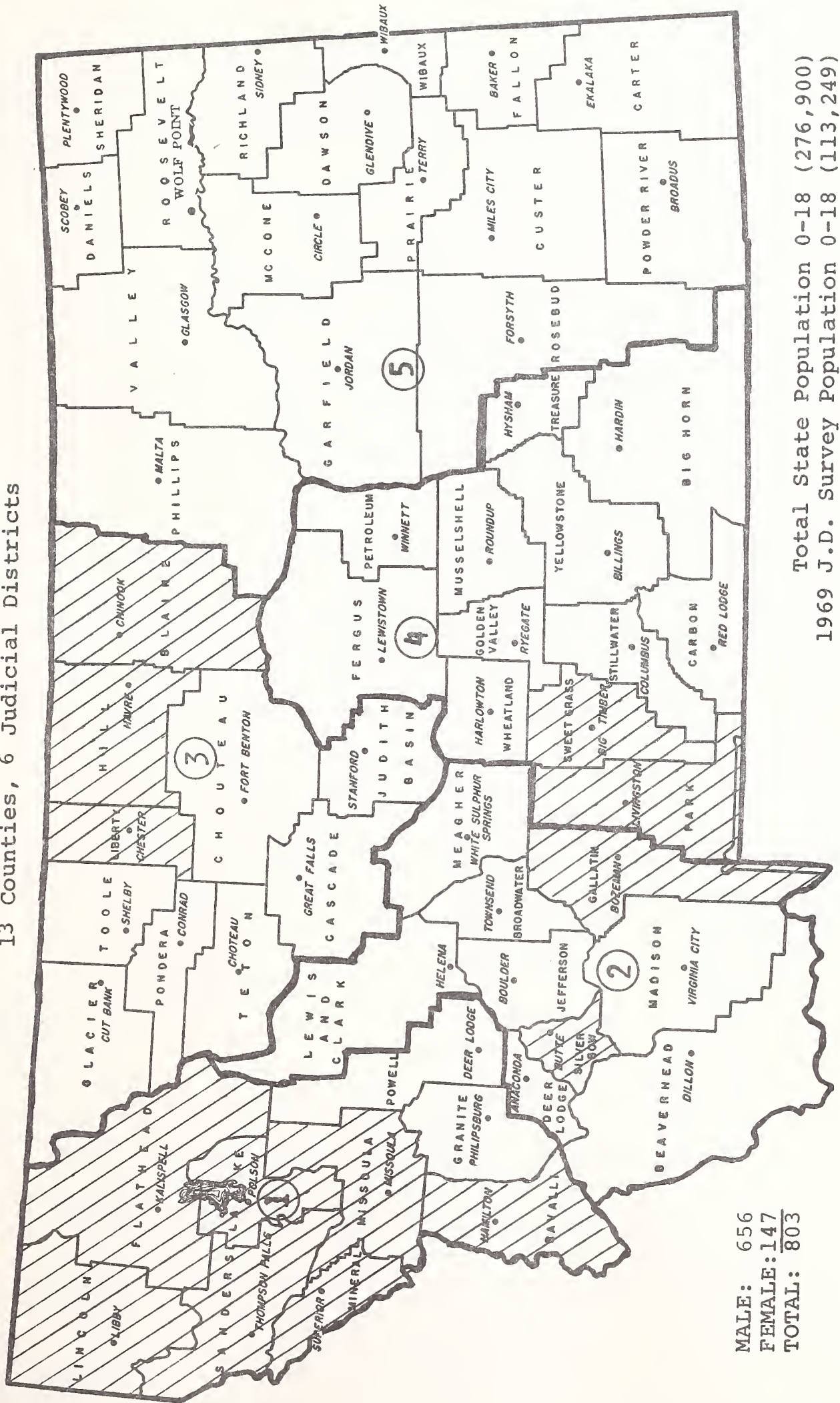
During 1970, SPA will continue to supply data forms and collect juvenile delinquency data. It is hoped this data will give the basic knowledge necessary to plan long-range programs for the prevention and control of juvenile delinquency.

There is definitely a need to reach our youth before they become delinquent. Several experimental courses are being conducted this year in a few public schools. The success of these efforts will be evaluated this summer.

The use of alcohol and drugs by teenagers is increasing. We will conduct in-depth studies of this type of delinquency and we will need to develop new methods of treating these youngsters in the community.

1969 JUVENILE DELINQUENCY SURVEY
September, October & November

13 Counties, 6 Judicial Districts



MALE: 656
FEMALE: 147
TOTAL: 803

Total State Population 0-18 (276,900)
1969 J.D. Survey Population 0-18 (113,249)

(Mail Reports To)

JUVENILE STATISTICAL ANALYSIS

JUVENILE DELINQUENCY PREVENTION AND CONTROL PLANNING

1336 HELENA AVENUE, HELENA, MONTANA 59601

PART A—(not for statistical analysis)

A. NAME: _____
(Last) (First) (Middle)

B. ADDRESS: _____ CITY _____ PHONE _____

PART B—(Data for analysis)

C. JUDICIAL DIST. Number: _____

D. COUNTY: (CODE) _____

E. DATE OF BIRTH: _____
(mo.) (day) (year)

F. AGE AT TIME OF REFERRAL: _____

G. SEX: 1. Male 2. Female _____

H. RACE: 1. White 2. Indian 3. Negro 4. Spanish 5. Other _____

I. DATE OF REFERRAL: _____
(mo.) (day) (year)J. REFERRED BY:
1. Law Enforcement Agency 4. County Attorney
2. School 5. Parents
3. Social Agency 6. Other Court _____
7. Other (Specify) _____K. REASON REFERRED:
1. Offense (Code) _____2. (Number of additional charges and/or offenses presently involved
with the one listed above) _____L. PRIOR DELINQUENCY: (excluding traffic)
1. Yes 2. No _____
3. Total number of prior delinquent offenses: _____M. CARE PENDING DISPOSITIONS:
1. No detention or shelter care over night or longer
2. Jail or Police Department Detention
3. Detention Home
4. Foster Home
5. Other (specify) _____

N. NUMBER OF DAYS DETAINED: _____

O. MANNER HANDLED:
1. Informal w/o petition 2. Formal w/petition _____

P. DISPOSITION: (CODE) _____

Q. DATE OF DISPOSITION: _____
(mo.) (day) (year)

R. DIAGNOSTIC SERVICES:

	Need for Diagnostic Services Indicated and provided	Indicated but not available	Not Indicated
a. Mental	1	2	3
b. Medical	1	2	3
c. Social	1	2	3

a. Mental	1	2	3	
b. Medical	1	2	3	
c. Social	1	2	3	

S. ESTIMATED MENTAL CAPACITY:

1. Below average	3. Above average	
2. Average	4. Not determined	

T. EMPLOYMENT AND SCHOOL STATUS:

	Out of School	In School
Not employed	1	5
Employed		
Full time	2	6
Part time	3	7
Inapplicable (pre-school)	4	

U. SCHOOL ATTAINMENT & ADJUSTMENT:

a. Years of schooling completed:	
b. Grade placement in relation to age:	
1. Retarded	2. Normal
3. Accelerated	
c. Serious or persistent school misbehavior:	
1. Yes	2. No

V. MARITAL STATUS OF NATURAL PARENTS:

1. Parents married and living together	
2. Both dead	5. Divorced or legally separated
3. Father dead	6. Father deserted mother
4. Mother dead	7. Mother deserted father
8. Other (specify)	
9. Parents not married to each other	

W. LIVING ARRANGEMENT OF CHILD:

In own home:	
1. With both parents	6. In home of relative
2. With mother and stepfather	7. In foster family home
3. With father and stepmother	8. In institution
4. With mother only	9. In independent living arrangements
5. With father only	
10. Other (specify)	

X. FAMILY INCOME (ANNUAL)

1. Receiving public assistance at time of referral	
2. Under \$3,000	
3. \$3,000 to \$4,999	5. \$10,000 and over
4. \$5,000 to \$9,999	6. Unknown

Y. RELIGIOUS DENOMINATION (CODE)

1. Very active	3. Non-participating
2. Moderately active	

Z. LENGTH OF RESIDENCE (of child) IN COUNTY:

0. Not currently resident of County	
1. Under one year	
2. Under five years	
3. Five years or more	

LOCATION OF RESIDENCE

1. Rural	
2. Urban—(within city limits)	

FOR COMMENTS AND ADDITIONAL INFORMATION USE BACK SIDE OF SECOND SHEET.

TALLY SHEET (for) JUV. DEL. DATA

JUDICIAL DISTRICT: 2nd, 4th, 6th, 11th, 12th, & 18th														COUNTY: 14	
COLLECTION PERIOD: Sept., Oct., & Nov. 1969														SEX: Male	
OFFENSE LISTING		AGE												TALLY	
CODE NO.	OFFENSE TITLE	0-8 YRS.	9 YRS.	10 YRS.	11 YRS.	12 YRS.	13 YRS.	14 YRS.	15 YRS.	16 YRS.	17 YRS.	OVER	BY OFF-ENSE		
0120	Arson														
0130	Assault (1st)										1		1		
0132	Assault (2nd)									1			1		
0133	Assault (3rd)						2	4	3	2	3		13		
0141	Auto Theft (GL)				1				1	1			3		
0142	Auto w/o Consent			1		3	1	2	4	3	3	3	17		
0221	Burglary (1st)				3	2	1	1	5	7	10		29		
0222	Burglary (2nd)	1			4	4	3	4	1		4		21		
0300	Check Charges														
0401	(Del.) Curfew					2	1		5	8	12	1	29		
0402	(Del.) Ungovernable	1					4	1	6	6	1		19		
0405	(Del.) Runaway				1		1	7	10	10	10	1	40		
0406	(Del.) Truancy				1	1			5		2		9		
0410	Dist. Peace						1	1	13	8	2		25		
0430	Dangerous Drugs					1			3	3	1		8		
0611	Fish & Game														
0620	Forgery							1		1	3		5		
0630	Fraud								2				2		
0801	Homicide - Vol. Man.														
0802	Homicide - Inv. Man														
0804	Homicide - Murder														
1201	Larceny (Grand)				1	2	1	4	3				11		
1202	Larceny (Petit)					12	7	7	10	8	4		48		
1203	Larc. (Poss. St. Pr.)			2			1	1	2	1	1		8		

(Cont'd)

(Cont'd)

CODE NO.	OFFENSE TITLE	0-8 YRS.	9 YRS.	10 YRS.	11 YRS.	12 YRS.	13 YRS.	14 YRS.	15 YRS.	16 YRS.	17 YRS.	OVER	BY OFF-ENSE
1204	Larc. (Shoplifting)		1	5	1	4	5	9	10	13	5		53
1210	Liquor Viol.						2	13	19	65	64		163
1301	Mal. Mischief	3		2	3	4	2	14	9	6	9		52
1320	Miscellaneous												
1801	Rape (Force)												
1802	Rape (Statute)												
1830	Robbery								3	3	3		9
1910	Sex Crimes												
2010	Traffic					1	2	3	9	14	10		39
2300	Weapons				1	1	1	2					5
	Other	1					1	5	10	12	13		41
TALLY	By Age	5	2	10	16	37	36	79	133	171	159	4	652

Late returns of data----- 4

656

TOTAL

TALLY SHEET (for) JUV. DEL. DATA

JUDICIAL DISTRICT: 2nd, 4th, 6th, 11th, 12th, & 18th COUNTY: 13													
COLLECTION PERIOD: Sept., Oct., & Nov. 1969 SEX: Female													
OFFENSE LISTING		AGE											TALLY
CODE NO.	OFFENSE TITLE	0-8 YRS.	9 YRS.	10 YRS.	11 YRS.	12 YRS.	13 YRS.	14 YRS.	15 YRS.	16 YRS.	17 YRS.	OVER	BY OFF-ENSE
0120	Arson												
0130	Assault (1st)												
0132	Assault (2nd)												
0133	Assault (3rd)												
0141	Auto Theft (GL)												
0142	Auto w/o Consent												
0221	Burglary (1st)				1	1	2						4
0222	Burglary (2nd)												
0300	Check Charges												
0401	(Del.) Curfew							2	1	3	3		9
0402	(Del.) Ungovernable						1	3	2		1		7
0405	(Del.) Runaway						1	2	7	8	1	1	20
0406	(Del.) Truancy						1		1				2
0410	Dist. Peace									2			2
0430	Dangerous Drugs										1		1
0611	Fish & Game												
0620	Forgery	1			1						1		3
0630	Fraud												
0801	Homicide - Vol. Man.												
0802	Homicide - Inv. Man												
0804	Homicide - Murder												
1201	Larceny (Grand)								1				1
1202	Larceny (Petit)							2			1		3
1203	Larc. (Poss. St. Pr.)												
(Cont'd)													

(Cont'd)

CODE NO.	OFFENSE TITLE	0-8 YRS.	9 YRS.	10 YRS.	11 YRS.	12 YRS.	13 YRS.	14 YRS.	15 YRS.	16 YRS.	17 YRS.	OVER	BY OFF-ENSE
1204	Larc. (Shoplifting)	1		1	2	4	2	8	2	2	2		24
1210	Liquor Viol.			1		2		8	13	11	5		40
1301	Mal. Mischief		1										1
1320	Miscellaneous												
1801	Rape (Force)												
1802	Rape (Statute)												
1830	Robbery												
1910	Sex Crimes												
2010	Traffic						1		3	1	2		7
2300	Weapons							1	3	3	1	1	9
	Other												
TALLY	By Age	2	1	2	4	7	8	26	33	30	18	2	133

Late returns of data----- 4

TOTAL

147

The problem of the disturbed child is illustrated by the pilot project statistics. Forty-two of these youngsters needed psychiatric or psychological diagnostic services which were not provided. These services were provided for 120. The need to expand and improve mental, medical and social services for delinquent children is clear.

The problems surrounding the delinquent Indian child are perhaps the most complex of all. In most Indian law enforcement agencies, no distinction is made between the juvenile delinquent, the child in need of supervision, the minor adult offender, nor the serious adult criminal with respect to the procedure or facilities associated with arrest, detention, or jailing. The highest priority for reservation law enforcement in Montana is the development of a special division for juveniles in need of supervision and other programs which separate youth and children from adult offenders.

	Page
9. MONTANA'S MINORITY GROUP	127
a. The Indian Governments	128
b. Law Enforcement and Criminal Jurisdiction	128
c. Criminal Statistics	129

9. MONTANA'S MINORITY GROUP

Montana has seven large Indian reservations, totaling 8,340 square miles--about 5.6 per cent of the state. Collectively, these reservations represent an area considerably larger than the State of Massachusetts. (See Table 1, page 131) Not all Indians live within the boundaries of the reservation. Many live in surrounding areas yet maintain their tribal enrollment status. (See Table 2, page 132).

Montana's Indian population ranks sixth nationally. Indians comprise roughly 5 per cent of the state population.

There was a time when Indians were regarded as "vanishing Americans." This is no longer true. Today, the Indian population is growing rapidly. For example, one historian calculates that the Blackfeet population was at the low point of only 2,000 in 1885. This has increased to well over 10,000 tribal members at the present time. All tribes have experienced rather spectacular increases in population with an overall annual growth rate of about 2.5 per cent which is almost double the 1.42 per cent annual growth rate for the Montana population (1950-1960). In fact, Indian birth rates per 1,000 averaged 47.9 in 1964, 44.5 in 1965 and 37.9 in 1966. Comparable figures for the Montana population was 21.5 in 1964 and 19.3 in 1965.

Another significant fact about the Indian population is the preponderance of youth; over 57 per cent are 19 years of age or under with the median age estimated to be 22.9 years. (See Table 3, page 133.)

a. The Indian Governments.

An Indian tribal organization is a formal, legally-constituted unit of government. Membership rules, procedures for doing business, and other elements differ from tribe to tribe.

Services supplied by tribal government include law and order (operation of tribal police departments, and tribal courts, to handle both criminal and civil matters involving Indians), welfare, scholarship programs, recreation programs, etc. Activities in which tribal governments have responsibilities in connection with management of tribal assets include approval of leases of tribal lands and timber sales, purchase of land, budgeting of expenditures, borrowing and lending of money, and operation of business ventures.

b. Law Enforcement and Criminal Jurisdiction.

The social and economic difficulties of the American Indian have been well documented and have been frequently stated. These problems are inseparably interwoven with the total criminal justice system.

Indian expectations for a brighter future must include adequate state and regional law enforcement

planning. Most of the trouble lies in the fact that states and local communities have consistently taken the attitude that Indians are a "federal problem."

Table 4 (page 134) reflects the necessity for additional law enforcement personnel.

Montana has no criminal jurisdiction over Indians on Indian land unless such authority has been specifically granted by the federal government.¹ The federal government has exclusive jurisdiction to try an Indian for criminal offenses when committed on Indian land; it has concurrent jurisdiction with the tribe to try an Indian offender for a crime prescribed by state law if the crime is committed on Indian land. The state has jurisdiction in all criminal cases involving Indians outside of Indian land.

c. Criminal Statistics

Data gathered within the confines of Montana's reservations reveal serious problems involving a large

¹Only one of Montana's seven reservations (Flathead Indian Reservation) has granted both civil and criminal jurisdiction to the State of Montana. This situation has caused substantial law enforcement problems for counties adjacent to the Flathead Reservation.

percentage of our Indian youth. The Indian population is taking a sharp rise and is becoming younger which will undoubtedly compound the seriousness of the situation in years to come.

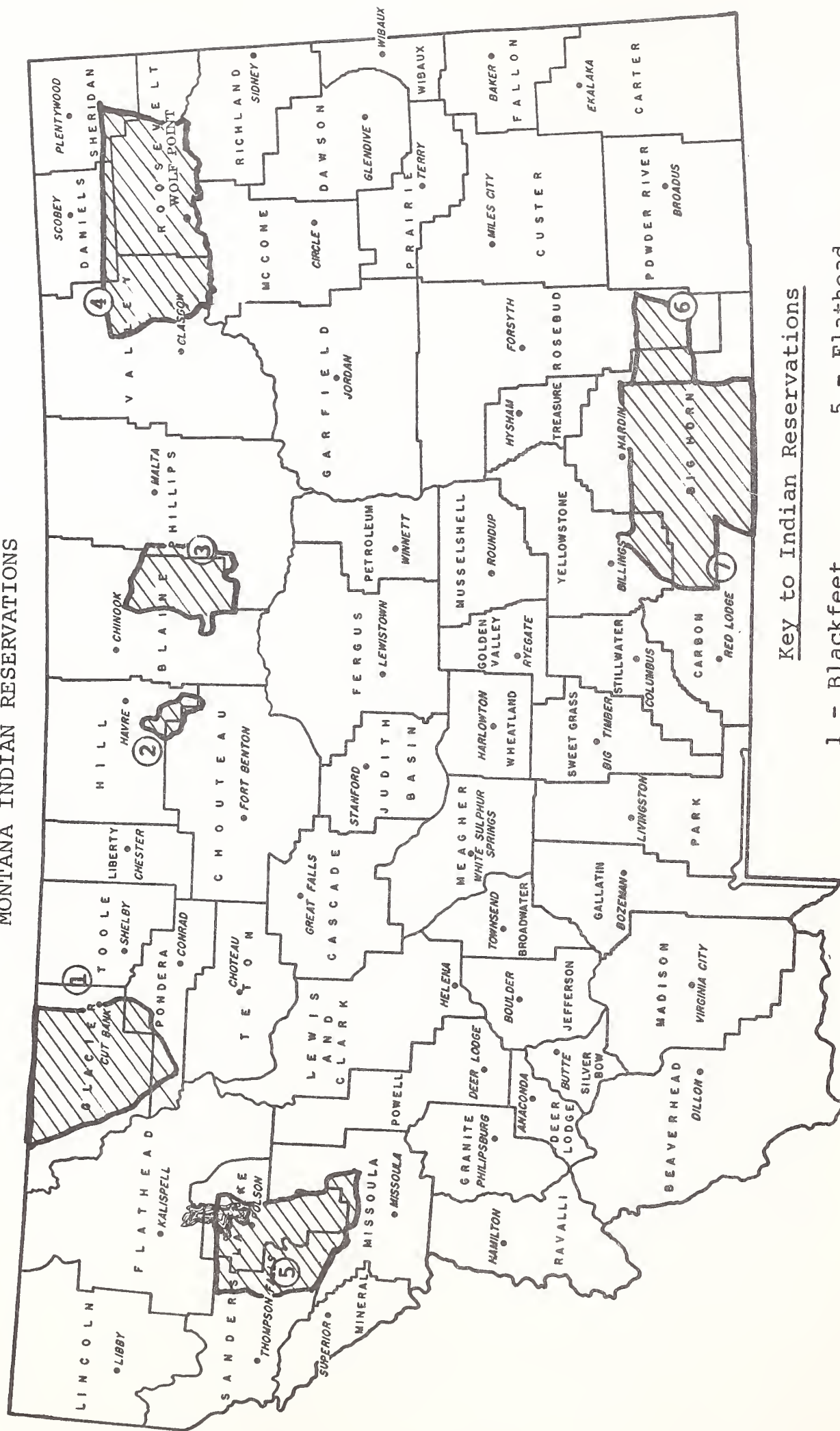
A recent study demonstrated that American Indian criminality is highest in the nation. The rate of Indian criminality is almost seven times that of the national average. (See Table on page 135).

This problem in Montana is particularly acute since we have seven large reservations with a total population of 22,707 Indian inhabitants. As an extreme example of the rate of Indian criminality, we can turn to the Northern Cheyenne Reservation at Lame Deer, Montana. In 1968, they had more arrests than the total reservation population. There were 2,700 arrests for approximately 2,400 inhabitants.

In 1968, seven Indian agencies with a total population of 22,707 released crime reports showing a total of 11,123 offenses. The crime rate of Indian youth in these reports is even more alarming. Out of 369 felonies on six of these reservations (Fort Belknap breakdown was not available) 165 were committed by youth 18 years of age and under. In the same year, juvenile Indian females were responsible for a total of 1,403 misdemeanors.

TABLE 1

MONTANA INDIAN RESERVATIONS



Key to Indian Reservations

- 1 - Blackfeet
- 2 - Rocky Boy's
- 3 - Fort Belknap
- 4 - Fort Peck
- 5 - Flathead
- 6 - Northern Cheyenne
- 7 - Crow

INDIAN POPULATION, January 1, 1968
TABLE 2

Reservations	Enrolled Members of Tribe						Total Enrolled Members	Non- 2 Enrolled Indians	Total ³ all Indians
	Living on or near Reservation ¹			Living Off Reservation		Total			
	Male	Female	Total	Male	Female				
Blackfeet	2,825	2,998	5,823	2,267	2,410	4,677	10,500 ⁴	583	6,406
Crow	1,761	1,729	3,490	766	772	1,538	5,028	260	3,750
Flathead	1,351	1,320	2,671	1,270	1,469	2,739	5,410	179	2,850
Fort Belknap	787	728	1,515	996	1,097	2,093	3,608	70	1,585
Fort Peck	1,837	1,686	3,523	1,296	1,399	2,695	6,218	673	4,196
Northern Cheyenne	1,136	1,183	2,319	346	311	657	2,976	135	2,454
Rocky Boy's	683	754	1,437	155	165	320	1,757	29	1,466
Montana Total	10,380	10,398	20,778	7,096	7,623	14,719	35,497	1,929	22,707

¹Includes all Indians enrolled in the tribe and living on or within 50 miles of reservation.

²Includes Indians, living on or near reservation, who are not enrolled members of the tribe on this particular reservation although individuals may be offspring of an enrolled member. Also includes Indians who may or may not be enrolled members of other tribes.

³Includes all Indians, both enrolled and non-enrolled, who live on or within 50 miles of the reservation.

⁴Tribal enrollment records are in the process of being updated. The updated enrollment may show a considerably larger number than listed here.

ESTIMATED INDIAN POPULATION BY AGE AND SEX
ON OR NEAR RESERVATION

State of Montana FY-69

TABLE 3

	TOTAL	MALE	FEMALE
Total	23,700	11,995	11,705
Under 1	918	477	441
1- 4	3,498	1,725	1,773
5- 9	3,877	1,988	1,889
10-14	3,086	1,538	1,548
15-19	2,119	1,103	1,016
20-24	1,548	735	813
25-29	1,375	649	726
30-34	1,296	667	629
35-39	1,121	580	541
40-44	1,017	484	533
45-49	870	454	416
50-54	668	368	300
55-59	638	329	309
60-64	512	290	222
65-69	405	203	202
70-74	320	184	136
75-79	230	125	105
80-84	114	57	57
85+	88	39	49

The median age of the Indian population residing in Montana during FY-69 is estimated to be 22.9 years based on the above population.

TABLE 4

MONTANA INDIAN RESERVATION STATISTICAL INFORMATION

FY-68

Agency	Res. Indian Pop.	Area of Reservation In Acres	Enforcement Personnel		Tribal Offenses				Federal Offenses			
			BIA	Tribal	Adults M	F	Juveniles M	F	Adults M	F	Juveniles M	F
Blackfeet	6,406	936,848	2	8	1,834	386	440	239	24	2	28	
Crow	3,750	1,567,189	3	5	1,294	231	157	52	20	1	10	1
Flathead	2,850	616,633	2	2	137	32	1	1	3		1	
Fort Belknap	1,585	591,787	1	2	205	38	58	22	15		37	1
Fort Peck	4,196	883,885	4	2	1,687	451	224	88	50	9	65	5
Northern Cheyenne	2,454	433,594	2	8	1,714	494	270	193	12		3	
Rocky Boy	1,466	107,613	2		113	20	29	117	6	3		
TOTAL	22,707	5,137,549	16	27	6,984	1,652	1,378	712	130	15	147	7

INDIAN AGENCIES CRIME REPORTS

ALL AGES TABLE 5

Murder	0	Offense Against	
Manslaughter	10	Family & Children	417
Forcible Rape	13	Narcotics	0
Robbery	1	Liquor	974
Agg. Assault	44	Drunk	3,452
Burglary	86	Disorderly	2,439
Grand Larceny	31	Vagrancy	2
Petit Larceny	150	Gambling	0
Auto Theft	6	D.W.I.	209
Other Assaults	145	Vandalism	108
Forgery & Counterfeiting	21	C.T.D.O.M.	249
Fraud & Embezzlement	26	Resisting Arrest	198
Stolen Property	70	Discharging Firearms	
Weapons	18	in City	2
Vice & Prostitution	0	Other	1,546
Sex Offenses	35		

INDIAN AGENCIES - 1968

Six Indian Agencies out of seven reporting. Fort Belknap did not report.

Felonies

Under 18	165	55-60	4
18-24	81	60-64	6
25-29	50	Over 65	1
30-34	27	White	2
35-39	14	Negro	1
40-44	7	Indian	372
45-49	11	Spanish	0
50-54	9	Other	0

Misdemeanors

Juvenile Male	1,403	Adult Male	6,968
Juvenile Female	678	Adult Female	1,665

Offenses

Reported	10,298	Arrests	10,234
Cleared	10,215	Unfounded	74

Property

Stolen	1,500
Recovered	800

This problem cannot be averted by labeling it a federal responsibility. The State of Montana has the responsibility to care for all Indians who are committed to its institutions. As an example, the Montana State Prison in 1969 had an Indian population of 25 per cent. The population statistics of the other state institutions reveal a large number of Indian inmates.

The necessity to plan for prevention and rehabilitation programs in this area cannot be overstated; the statistics are glaring.

Hopefully, the many problems of Indians will receive needed attention in the near future. House Joint Resolution No. 22 of the 41st Legislative Assembly has recommended that a Task Force be appointed by the Governor to study the most pressing areas of concern, including the Indian criminal justice system. The Governor's Crime Control Commission is aware of its portion of responsibility in the total problem and will assist whenever requested and where needs for our services have been documented.

It must be realized, however, that use of LEAA discretionary money is mandatory if the Indian problems are to be resolved.

HOUSE JOINT RESOLUTION NO. 22

A Joint Resolution of the Senate and House of Representatives Requesting That the Governor Appoint a Task Force to Study the Complex Problems of the Montana Indians.

WHEREAS, there are some 36,000 people of American Indian descent living within the boundaries of the state of Montana, approximately 25,000 of whom are living within the exterior boundaries of seven reservations and the remainder of whom are scattered throughout the state of Montana, and

WHEREAS, the conditions of these reservations and of other Indian communities are deplorable and far below the standards of the rest of the state of Montana, and

WHEREAS, nine out of ten houses on the Montana Indian reservations are beneath normal standards of comfort, safety, health, and decency, and

WHEREAS, the unemployment rate of the Indian reservations is 40 to 50 per cent being seven to eight times the national average, and

WHEREAS, because of the above conditions, the average life span of people of Indian descent is 42 years, 20 years less than the national average of 62 years, and

WHEREAS, there is an alarmingly high rate of drop-outs on the college level, at times as high as 95 percent, and

WHEREAS, the average income of the Montana Indian is far beneath the poverty level; the reservations being capital-starved areas where economic growth is practically nil despite recent efforts of the office of Economic Opportunity and Economic Development Administration and despite the administration by the federal Bureau of Indian Affairs for the past 114 years, and

WHEREAS, excessive consumption of alcohol and alcoholic abuse by Indians have led to crime and disproportionate welfare burden, and

WHEREAS, the Indian suicide rate, which is approximately 20 times higher than the national average, is a reflection of the hopeless condition of the First Americans, and

WHEREAS, there are able and concerned Indian people within the state of Montana who wish a firm course of action to be taken to alleviate the aforementioned conditions of the betterment of the American Indians of Montana, and

WHEREAS, to the knowledge of the concerned Indians and nonIndian friends there has never been a statewide study contemplated or initiated

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the governor of Montana is requested to appoint a task force to thoroughly study the complex conditions of Montana's Indians and suggest a course of action to the 42nd Legislative Assembly of Montana, and

BE IT FURTHER RESOLVED, that the task force be composed of competent representatives of: Indians of the seven reservations, counties with Indian population, clergy, six units of the University System and private colleges, the Montana Advisory Council to the United States Commission on Civil Rights, and a representative cross-section of private citizens of impartial mind, and

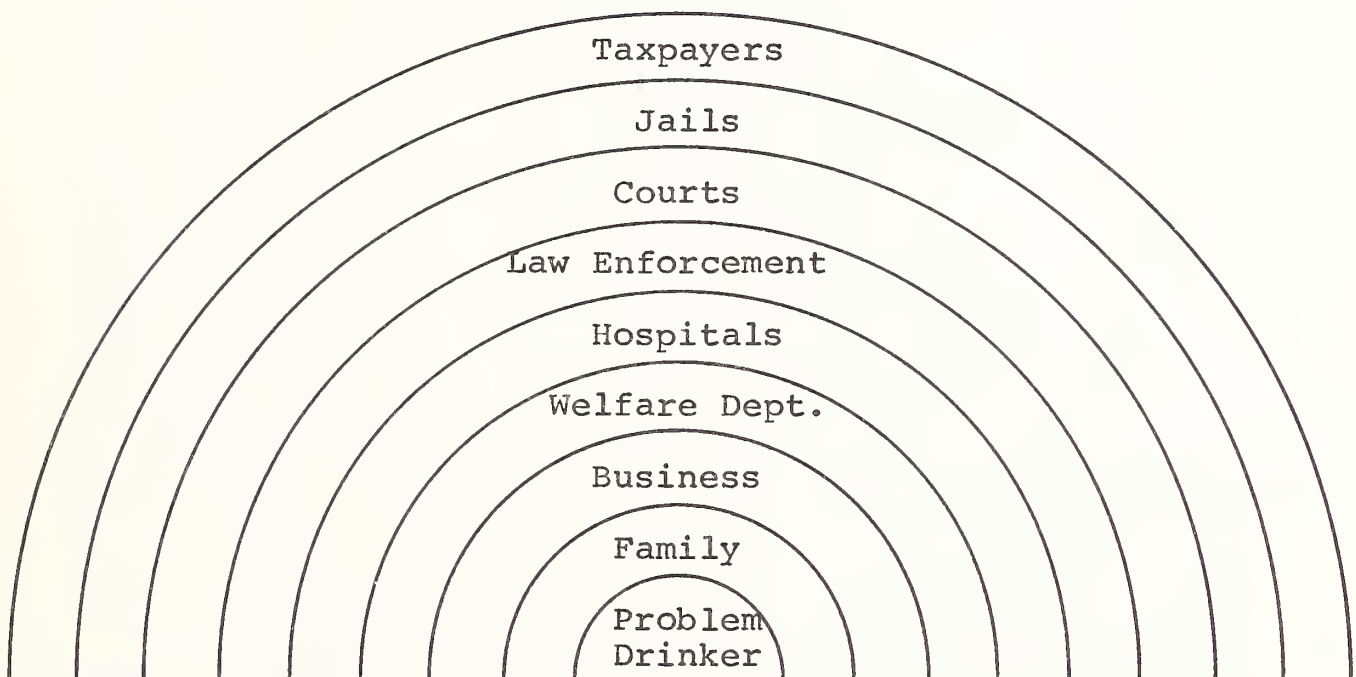
BE IT FURTHER RESOLVED, that the Secretary of State is directed to send a copy of this resolution to the Honorable Forrest Anderson, Governor of Montana.

Approved: March 11, 1969.

	Page
10. ALCOHOLISM	140

10. ALCOHOLISM.

Evidence indicates that alcoholism has grown in the past few years to become our nation's number three health problem and our number one social problem. It is a problem that has a rippling effect--like a stone thrown into a pool, the ripples radiate outwards touching almost everyone in a community:



During fiscal year 1967, liquor and wine sales in Montana mounted to more than 25.5 million dollars. This figure does not include the profits of over-the-counter sales to the public.

The problems brought about by the excessive, abusive and irresponsible drinker have been largely ignored by society and left to be handled by our criminal justice system when the individual gets out

of hand.

In 1968, there were 25 deaths by homicide in Montana. During the same year, 243 persons died on Montana highways. The Montana Highway Patrol estimates that about 45 per cent of these highway deaths happened as a result of excessive drinking. Thus, the chance of dying in an alcohol-related traffic accident is roughly five times as great as the chance of being murdered.

The tragedy of death is bad enough, but compounded with this physical death are the many families that are greatly affected--the children that are placed on welfare, the job positions that must be replaced, the loss of the tax support from that individual--to say nothing of the many hours that are consumed by the various law enforcement agencies throughout the state to try and reduce these figures--even if just by one. But establishing speed limits, Drunk-O-Meter tests, stiff fines or jail sentences do not appear to deter one from attempting to drive while under the influence of alcohol.

The problem of teenage drinking in Montana is just coming to light and requires further examination and study. One recent survey indicates that from 60 to 80 per cent of the teenagers drink at least occasionally.

Arrests for drunkenness comprise about one-third of all arrests made by police each year in the nation. Public intoxication, vagrancy, disturbing the peace, destruction of property and DWIs account for approxi-

mately 35 per cent of present police work, according to national studies. Since this type of police work does not remove the cause of the offense, the alcoholic tends to be a recidivist. Furthermore, law enforcement morale is not enhanced by the necessity of handling this type of offender.

In some instances it would seem that an unreasonable burden has been placed on law enforcement agencies, perhaps due to the default of other public agencies. A survey recently conducted by the Great Falls Police Department indicates that the cost of handling the publicly intoxicated person exceeds \$50,000 a year in that city. Nearly all of this time and money is spent to protect the alcoholic. Very little of the alcoholic's activities are related to serious crimes endangering public safety. Nonetheless, figures compiled at the State Prison indicate that in 1968, 85 per cent of the inmates committed crimes while under the influence of alcohol and about 95 per cent of the prison recidivism rate can be related to alcohol. Some estimates are that at least 50 per cent of the inmates have a serious alcohol problem. Other figures indicate that 35 per cent of the prison population was committed for writing fraudulent checks while under the influence of alcohol. These figures must be verified by further study and evaluation. They should not be considered conclusive at this time.

Referring again to the juvenile drinking problem, there is a need to study further the relationship between teenage drinking and the commission of more serious criminal offenses. There are indications that a juvenile with a drinking problem tends to commit serious crimes later in life.

There is a need to establish programs which will identify the offender with a drinking problem, if it exists, so that more realistic and effective rehabilitation measures can be applied to that individual.

There is a need to conduct detailed studies and surveys to determine the exact relationship of alcohol to crime and the cost of alcoholism to the criminal justice system.

At the same time, there is a need to develop other alternatives of handling the alcoholic than through the criminal justice system.

SECTION B

Page

EXISTING LAW ENFORCEMENT SYSTEMS & AVAILABLE RESOURCES

1.	THE MONTANA HIGHWAY PATROL	145
2.	COUNTY SHERIFFS AND CITY POLICE DEPARTMENTS	148
3.	CONSTABLES	152
4.	EXTENT OF JURISDICTION AND COOPERATION BETWEEN LAW ENFORCEMENT AGENCIES	154
5.	STATE-LOCAL COOPERATION AND STATE AID TO LOCAL LAW ENFORCEMENT AGENCIES	157
6.	MONTANA CORRECTIONAL INSTITUTIONS	162
7.	PROSECUTION AND DEFENSE	183
8.	COURT SYSTEM	192

1. THE MONTANA HIGHWAY PATROL

145

B. EXISTING LAW ENFORCEMENT SYSTEMS & AVAILABLE RESOURCES

"Description of State's Law Enforcement Systems"

Montana law provides for the following agencies to enforce and implement the laws of the state and its political subdivisions:

1. THE MONTANA HIGHWAY PATROL.

The Montana Highway Patrol is a police agency of the state, under the control of the Montana Highway Patrol Board and headed by the Highway Patrol Supervisor. It is primarily concerned with enforcement of traffic regulations on the state's highways. In addition to these duties, the Highway Patrol is authorized to make arrests for certain offenses committed under the following conditions: (1) in the presence of any patrolman; (2) if committed in a rural district upon the request of a peace officer; or (3) if the offense is committed in a city or town of less than 2,500 inhabitants upon the request of any peace officer or the mayor of said town. The offenses in question are: murder, assault with a deadly weapon, arson, burglary, larceny, kidnapping, illegal transportation of narcotics, or violation of the Dyer Act regarding the transportation of stolen automobiles. The Patrol is specifically denied authority to make arrests or perform any duties whatsoever in connection with labor disputes, strikes or boycotts. Until 1965 when the Legislature amended the statute, it

was not permitted to congregate or act as a unit in one county to suppress riots or preserve the peace. Patrolmen are deemed police officers in making arrests in all offenses occurring on the highways and in the use of motor vehicles or the registration thereof, and for the purpose of serving warrants of arrest in connection with such violations. The Patrol also supervises and administers the licensing of drivers within the state and conducts a vigorous traffic safety program.

The cooperation of the Patrol with other local agencies of law enforcement is principally in the area of traffic control and safety, but assistance is provided in other areas of law enforcement when requested by the local agencies and when such assistance is within the proper jurisdiction of the Patrol's overall objectives.

Highway Patrol		
Facilities:	Patrol Manpower	267
	1969-70 Budget	\$2,961,200
Radio System:	Cars	179
	Buildings	6
Radio System:	Console base	1
	Mobile Radios	181
	Remote Units	5

	Page
2. COUNTY SHERIFFS AND CITY POLICE DEPARTMENTS	148

2. COUNTY SHERIFFS AND CITY POLICE DEPARTMENTS.

Montana law provides that each county shall have as one of its elected officers a sheriff who by law is directed to: (1) preserve the peace; (2) arrest and take before the nearest magistrate for examination all persons who attempt to commit or have committed a public offense; (3) prevent and suppress all affrays, breaches of the peace, riots, and insurrections which may come to his knowledge; (4) attend all courts, except justice and police courts, at their respective terms or sessions held within his county, and obey their lawful orders and directions; (5) command the aid of as many male inhabitants of the county as he may think necessary in the execution of these duties; (6) supervise the county jail and the prisoners therein.

The sheriff is thus the chief law enforcement officer of the county. In Montana, with its widely scattered population, especially in the eastern portion of the state, the office of sheriff takes on added importance due to the lack of qualified and effective city police departments. Data concerning sheriffs' departments is contained in Section A.

Eighty-two cities and towns in the state have a police department headed by a police chief. The mayor of the town (or the city manager where appropriate) is given general supervisory power over the police department and its

policies and has the power to appoint the members and the officers of the police department.

Police departments, under the chief of police, have these duties: (1) execute and return all process issued by the police judge, or directed to him by any legal authority, and attend upon the police court regularly; (2) arrest all persons guilty of a breach of the peace or the violation of any city or town ordinance, and bring them before the police judge for trial; (3) have charge of the members of the police department subject to such rules as may be made by the city or town council through its ordinances; and (4) perform all other duties which the city council may prescribe.

One hundred twenty-six towns and cities in Montana are incorporated. There are about 218,614 miles of municipal roads. Police personnel include 402 sworn officers and 43 non-sworn officers.

Other law enforcement personnel (police and sheriff) are:

Support personnel	28
Special deputies	304
Posse members	217
Search and rescue	725
Other	167

Law enforcement (police and sheriff) equipment
includes:

Vehicles	403
Mobile radios	369
Box radios	105
Radio walkie-talkies	59
Teletypewriters	23
Telephone (hot line)	9

	Page
3. CONSTABLES	152

3. CONSTABLES.

All townships within the state are required by law to have two constables whose jurisdiction is limited to the county in which the township is located. These constables attend the courts of justice of the peace and execute and serve all process and notices directed or delivered to them by the justice of the peace of the township. They are given the same law enforcement powers as are by law given to sheriffs and are thus a secondary source of law enforcement within the county. In smaller unincorporated towns, having neither a sheriff immediately present or a police department, the constable is often the only law enforcement officer available to enforce the law and keep the peace. In more heavily populated areas which have both police departments and well-staffed sheriff's offices, the constable's influence on law enforcement is minimal.

	Page
4. EXTENT OF JURISDICTION AND COOPERATION BETWEEN LAW ENFORCEMENT AGENCIES	154

4. EXTENT OF JURISDICTION AND COOPERATION BETWEEN LAW ENFORCEMENT AGENCIES

While the jurisdiction of the various law enforcement agencies as defined by law would allow considerable overlapping of areas of responsibility, by mutual agreement the various agencies confine themselves primarily to the following specific areas of responsibility:

(1) Sheriffs--general law enforcement outside incorporated cities and towns and in rural areas of the county; some traffic control.

(2) The Montana Highway Patrol--motor vehicles traffic regulation on the state's highways outside incorporated cities and towns; areas which receive heavy traffic and which are remote from other sources of law enforcement receive special attention.

(3) Police Departments--traffic control and general law enforcement within cities and towns.

(4) Constables--general law enforcement within their county, although their primary importance in law enforcement as noted above is in very small towns which have no police department.

The foregoing is not to suggest that the jurisdiction of these agencies is limited by law to the areas mentioned, but to indicate that violations of law in specified areas are considered to be the primary responsibility of the indicated agency.

Law enforcement agencies in Montana have recognized the absolute need for cooperation among law enforcement personnel, especially in a state with vast stretches of territory and a small, widely-spaced, population. The entire state is linked by a system of radio, teletype, and telephone circuits which provide continuous and instantaneous communication between various agencies. The consequent ease of exchange of information and cooperation is, in the minds of many Montana peace officers, primarily responsible for the effectiveness of law enforcement within the state.

In addition, Montana peace officers may attend several conferences throughout the year which have as their primary purpose the dissemination of information on criminals and law enforcement techniques and offer, as well, the opportunity for discussion of mutual problem areas. Examples are the Attorney General's Conference; the annual conference of the Montana Chiefs of Police; the annual meeting of the Montana Police Protective Association; the Western Montana Crime Conference which convenes every three months and the Western States Crime Conference, held each year.

	Page
5. STATE-LOCAL COOPERATION AND STATE AID TO LOCAL LAW ENFORCEMENT AGENCIES	157

5. STATE-LOCAL COOPERATION AND STATE AID TO LOCAL LAW
ENFORCEMENT AGENCIES.

Annually, the Attorney General's office conducts a conference for county attorneys and law enforcement officers. These conferences are directed solely to mutual problems arising from the enforcement of the criminal law. Recent conferences have been devoted to such tasks as explaining to these officials Montana's new code of criminal procedure which became effective on January 1, 1968. In addition, the Attorney General's office has conducted a conference for newly elected county attorneys to offer practical suggestions to these new officers from experienced members of the Attorney General's staff and other county attorneys throughout the state.

Also under auspices of the Attorney General's office is the Montana Law Enforcement Academy, which concluded its tenth year of operation this past year. During those 10 years, 806 students have completed the prescribed courses of study. The graduates came from 53 Montana cities, 35 county sheriff's offices and 5 state agencies. Instructors for this training, held at Bozeman, Montana, are furnished by the Federal Bureau of Investigation, and are specially trained in their various fields. Also cooperating in this endeavor are the Montana Municipal League (now the Montana League of Cities and Towns); Montana Sheriffs and Peace Officers Association; Montana

Chiefs of Police Association; Montana Police Protective Association; Montana County Commissioners Association and the Montana County Attorneys Association.

Many state agencies also furnish services to local law enforcement personnel in the performance of their duties. The Department of Motor Vehicles in Deer Lodge, Montana, provides 24-hour access to the records of automobile registration and assistance in locating vehicle ownership information, as does the staff of the Montana State Prison to inmate records. Both of these agencies are part of the state-wide teletype, radio and telephone communications network.

The staffs of state institutions of higher learning have cooperated with law enforcement officials whenever called upon to do so. Experts in fields like photography and drug analysis, to name a few, are at these institutions. An outstanding example of cooperation between the University of Montana at Missoula and the Missoula Police Department is the school of crime photography conducted for the department by the Journalism Department at the University. The Journalism school furnishes not only the instructors but also the film and all necessary supplies.

Perhaps most noteworthy in this area is the assistance provided by the University of Montana Law School. The school's contribution has understandably been more in the area of criminal justice administration than in law enforcement. However, through the Montana Defender

Project, which is carried on by the Law School, headed by one of the school's professors and staffed by upper-class law students, qualified students have been placed on a continuing basis within county attorneys' offices. In addition to providing valuable training to the students themselves, reports indicate this program provides county attorneys with much-needed investigative and legal research assistance which would otherwise be unavailable. Due to the distances involved, this assistance must be limited to the City of Missoula during the school year, but many students are assigned throughout the state for the three-month summer recess to work full-time for the various county attorneys' offices throughout the state. Students have also been assigned to work directly with city police departments during this summer period. The program has been well-received and has received national attention. Present plans are to continue the project, originally financed by a Ford Foundation Grant, on an indefinite basis and to involve every student at some time during his law school career.

On the defense side of the ledger, the Project provides assistance in research and investigation to local Public Defenders and legal advice and assistance to inmates of the Montana State Prison at Deer Lodge in pursuing post-conviction remedies.

The Law School provided major assistance in the revision of Montana's code of criminal procedure which

went into effect January 1, 1968, and is presently engaged, through the efforts of several professors and many students, in drafting a revision of the substantive criminal law to be presented to the Legislature in the near future.

	Page
6. MONTANA CORRECTIONAL INSTITUTIONS	162
a. Department of Institutions	162
b. Juvenile Aftercare	162
c. Mountain View School	163
d. Montana Pine Hills School	165
e. Swan River Youth Forest Camp	166
f. Montana State Prison	167
g. The Board of Pardons	173

6. MONTANA CORRECTIONAL INSTITUTIONS.

a. Department of Institutions

Montana correctional institutions come under the general supervision of the State Board of Institutions. The Department of Institutions was created in order to utilize at maximum efficiency the resources of state government in a coordinated effort to restore the physically and mentally disabled, to rehabilitate the violators of law, to sustain the dignity and vigor of the aged, to provide for children in need of temporary protection or correctional counseling, to train children of limited mental capacity to their best potential, to rededicate the resources of the state to the productive independence of its now dependent citizens and to coordinate and apply the principles of modern institutional management to the institutions of the state. The Department is also responsible for the collection of the per diem costs for support of residents in six state institutions.

b. Juvenile Aftercare

The juvenile aftercare program assists children released from the Pine Hills School, Mountain View School, Boulder River School, Swan River Forest Camp and the Montana Childrens Center. During FY 69, the aftercare program received 272 cases and released 277 with 266 persons in the program at the end of the year. The

Division of Aftercare has 7 full-time employees with an average of 44.1 caseload per counselor. The annual per capita cost is \$202.38 at a daily per capita cost of \$.55, and a fiscal year budget of \$138,307.

The value and necessity of providing aftercare to children released from the above-mentioned schools is not questioned. The development of group homes within the program is one of the highest priorities. Group homes will enhance early release programs for these children once they have utilized the benefits of the insitutional phase of retraining. The program emphasizes individual responsibility, pride of accomplishment and integration into the flow of community activities. This type of program allows the child to participate in a more normal community life.

Staff development and training is a constant program. Present training programs include various forms of in-service training, new approaches dealing with juvenile gang development and related problems, and group therapy techniques. Also formal, academically structured courses involving methods and techniques in guidance and counseling, psychology, sociology and related behavioral sciences are offered through new programs at the Montana Law Enforcement Academy at Bozeman, Montana.

c. Mountain View School

The Mountain View School was established in 1893.

The school was originally part of the Boys' and Girls' Industrial School at Miles City, and was transferred in 1919 to its present site in Helena. The purpose of the School is to provide care, education, and rehabilitation for girls between the ages of 10 and 21 years of age who are committed to the institution by juvenile courts.

The rated capacity of the girls school is 75 of which the average daily population in residence is 63.6. There currently is a ratio of 1.44 resident girls to each full-time employee. The annual per capita cost is \$5,584.40 or \$14.30 daily per capita cost. The fiscal year budget for the institution is approximately \$393,000.

The education department has continued to expand and improve its program without an increase in teachers. Through the use of individual teaching, team-teaching, audio-visual equipment, and the reading of hometown newspapers, pocketbooks and magazines, the reading level of most of the girls has been raised. A course in the training of nursery school aides for work in the Head Start program has been completed. The home economics program, nurses aide course, and library have been expanded. Individual counselling has continued to be emphasized but, in addition, group counselling has been started. A testing program has been developed whereby each girl is now given an intelligence test (verbal and non-verbal), achievement test and a short personality test as she enters the school (and on a periodic basis thereafter).

d. Montana Pine Hills School

This school was established by an act of the Legislature in 1893. It is situated on the east side of Miles City and contains 360 acres of land, stretching north one-half mile and 2 miles to the east, diversified by pasture, corrals and various agriculture crops. The school owns more than 3,000 acres of grazing land located in the Pine Hills approximately 15 miles to the east. The school leases this land to a third party and receives beef in payment. The purpose of the school is to provide care, education, and rehabilitation for boys between the ages of 10 and 21 years of age who have been committed by juvenile courts.

The primary purpose of the school is to rehabilitate the youth of Montana who have failed to make proper adjustment in their home communities and who have been adjudicated delinquent. The school attempts to accomplish this purpose by changing the negative attitudes of the students and by helping them gain self control over their behavior. It attempts to ascertain the problems, the needs, and the potential of each boy.

The Pine Hills School for Boys has a rated capacity of 150 boys of which the average daily population in residence is 115 with an average number of full-time employees of 97 or an average of 1.19 resident boys per full-time employee. The annual per capita cost is \$6,248.80 per youth or \$17.12 per day. The total

institutional fiscal year budget is approximately \$862,000.

e. Swan River Youth Forest Camp

The camp was created by the Montana Legislature in 1967. It was established as a cooperative effort between the Department of Institutions, the State Forester and the Division of Vocational Rehabilitation. The camp is charged with the care, custody and rehabilitation of delinquent boys ages 16 through 20.

As a forestry work camp, security measures are minimal. The boys do everything from planting trees to fighting fires. Training includes carpentry, mountain search and rescue, equipment operation, and general maintenance work.

Vocational counseling is an important part of this rehabilitative effort.

The FY 69 appropriation is \$216,809.

The pre-vocational problems are serious obstacles for most of these boys.

Most of the boys are referred to the camp by the Pine Hills School after it is determined they are unable or unwilling to continue in an academic program.

The camp has a rated capacity of 50 boys. The average daily population is 27 boys and 19 employees. The daily per capita cost is \$19.37 with a total fiscal year budget of approximately \$182,000.

f. Montana State Prison

The history of Montana State Prison dates back to January, 1867, when Congress appropriated funds for the construction of a combined territorial and federal prison in the Territory of Montana.

The original prison was constructed of stone and contained 14 cells. The present walled compound, located in Deer Lodge, Montana, was constructed in 1893 and 1894. Many changes have been made during the past 70 years, but the walled area is basically the same.

The first objective of the prison was to protect society by keeping the inmates secure. The second objective was the care of the inmate. He had to be housed, fed, clothed and given proper medical care, and be provided with qualified counselors and programs conducive to rehabilitation and re-entry into society.

In FY 69, SPA provided funds for the training and upgrading of prison personnel. A full-time training officer began an on-going program of training and recruitment.

The Montana Legislature appropriated \$2,196,915 during FY 69 for prison operations.

A statistical review follows.

STATISTICS*

RECEIPTS	1963	1964	1965	1966	1967	1968
Received regular	432	371	324	284	236	268
Received a new number	6	3	3	4	2	3
Violated suspended sentence	7	15	20	22	24	12
Returned parole violators	105	103	78	81	80	46
Returned from Galen	8	5	5	3	1	2
Returned from Warm Springs	26	11	14	13	3	11
Returned probation violators	2	3	6	3	2	5
Returned by court order	0	2	1	2	0	2
Returned from escape	3	7	4	3	4	11
TOTAL RECEIVED	589	520	455	415	357	360

RELEASES	1963	1964	1965	1966	1967	1968
Parole regular	262	243	301	239	177	181
Parole in custody	19	23	32	21	28	24
Discharge regular	172	167	199	149	132	138
Discharge in custody	11	4	4	3	2	5
Discharge and remains	4	3	3	4	2	3
Discharge by court order	7	3	8	2	5	6
Discharge-Balance suspended	26	22	34	18	18	31
Transfer to Warm Springs	29	11	16	11	10	9
Transfer to Galen	9	10	7	2	1	2
Escaped	3	6	4	2	7	15
Deceased	6	1	3	2	2	1
Transfer to Miles City	0	0	0	0	0	1
TOTAL RELEASED	548	493	611	453	384	415
TOTAL NUMBER RECEIVED	589	520	455	415	357	360
TOTAL NUMBER RELEASED	548	493	611	453	384	415
TOTAL NUMBER PROCESSED	1137	1013	1066	868	741	775

* All figures in this report on new inmates received during the year. Does not include figures on those presently incarcerated.

	1963	1964	1965	1966	1967	1968
COUNT AT START	674	715	742	586	548	521
COUNT AT END	715	742	586	548	521	466
AVERAGE DAILY COUNT	675	720	669	558	529	497
FEMALE COMMITMENTS	20	12	12	9	13	9
FEMALE RELEASES	9	14	22	9	13	13
PAROLE VIOLATORS	1963	1964	1965	1966	1967	1968
Number paroled	281	266	333	260	205	205
Number violated	105	103	78	81	80	46
Percentage returned as P.V.	38%	39%	23%	31%	39%	22%
CRIMES COMMITTED BY THOSE RECEIVED	1963	1964	1965	1966	1967	1968
Forgery & other check charges	37%	34%	35%	31%	33%	34½%
Burglary	27%	29%	29%	29%	24%	29½%
Grand Larceny	12%	14%	14%	13%	15%	12%
Using Auto W/O Consent	5%	5%	5%	5%	2%	2%
Assault	5%	4%	5%	5%	5%	7%
Robbery	3%	3%	3%	5%	5%	3%
Manslaughter					4%	½%
Rape					2%	2%
Lewd & Lascivious Act on Child						2½%
Non-Support of Minor Children						½%
Murder						½%
Malicious Destruction of Property						½%
Injuring a Public Jail						½%
Receiving Stolen Property						2½%
Extortion						½%
Escape from State Prison						½%
Procuring Woman for Immoral Purposes						½%
Possession or Selling Narcotics						½%
Carrying a Concealed Weapon						2½%

	1963	1964	1965	1966	1967	1968
MONTANA RESIDENTS						
NO PRIOR COMMITMENTS	75%	76%	88%	76%	75%	75%
AVERAGE AGE	48%	52%	52%	55½%	54%	47%
	32	31	31	29	30	28½

RACES	1963	1964	1965	1966	1967	1968
White	78%	76%	77%	73%	72%	75%
Indian	12%	16½%	19%	18%	18%	16%
Indian/White	6%	5%	1%	4%	6%	8%
Mexican	2%	1½%	1%	½%	1%	½%
Negro	1%	½%	1½%	½%	1%	½%
Spanish	1%	½%	½%	3%	1%	½%
Other				1%	1%	½%

RELIGION	1963	1964	1965	1966	1967	1968
Protestant			61%	60%	52%	56%
Catholic			34%	38%	45%	34%
No Religion			5%	2%	3%	10%

AVERAGE TERM	Years	Months	Days
1963	3	6	15
1964	3	3	24
1965	2	0	21
1966	4	0	8
1967	3	7	11
1968	4	0	2

AVERAGE EDUCATION (Not verified)	Years	Months	Days
1963	9	6	
1964	9	8	
1965	10	1	
1966	9	8	
1967	9	6	
1968	10	0	

COUNTIES OF COMMITMENT

COUNTIES	1964	1965	1966	1967	1968
Yellowstone	53	41	35	41	37
Cascade	29	39	24	21	17
Missoula	8	20	12	9	13
Park	13	19	10	6	10
Valley	24	18	12	6	6
Custer	11	17	10	11	13
Hill	26	15	23	14	15
Rosebud	15	15	11	2	4
Flathead	17	13	13	18	19
Sheridan	2	12	4	1	4
Lewis and Clark	7	11	19	13	16
Big Horn	12	9	6	0	8
Powell	1	9	3	4	6
Glacier	8	8	4	2	2
Lincoln	8	7	4	4	4
Beaverhead	12	7	8	4	4
Fergus	9	5	6	7	7
Wheatland	8	6	4	1	0
Gallatin	6	5	6	3	9
Philips	1	5	3	1	0
Roosevelt	5	5	1	3	4
Dawson	7	4	4	8	5
Fallon	7	4	2	4	2
Musselshell	4	4	2	2	6
Teton	2	4	2	3	3
Lake	2	4	8	11	9
Chouteau	1	3	3	1	0
Madison	2	3	1	0	1
Ravalli	6	3	4	4	6
Silver Bow	20	3	10	11	2
Stillwater	1	3	1	0	1
Richland	9	3	7	7	6
Blaine	0	2	7	8	8
Broadwater	4	2	2	1	1
Carter	4	2	0	0	0
Pondera	4	2	3	6	7
Sanders	1	2	1	1	1
Wibaux	0	2	0	0	0
Carbon	6	1	2	2	0
Daniels	3	1	1	0	0
Deer Lodge	7	1	7	6	8
Garfield	0	1	1	2	0
Golden Valley	0	1	0	1	0
Judith Basin	1	1	0	0	1
Liberty	1	1	2	0	0

COUNTIES	1964	1965	1966	1967	1968
McCone	0	1	0	0	0
Meagher	2	1	2	1	0
Toole	7	1	5	6	5
Prairie	2	1	2	2	0
Granite	1	0	2	1	2
Sweet Grass	4	0	2	0	0
Powder River	0	0	2	0	4
Treasure	0	0	1	0	1
Jefferson	4	0	4	1	0
Mineral	1	0	2	2	3
Petroleum	1	1	0	0	0

g. The Board of Pardons

In 1955, the Montana Legislature revised the laws dealing with parole, probation, and executive clemency. To carry out these laws a three-man Board of Pardons was appointed. The present Board members are: John L. Peterson, Butte, Montana, attorney; George Vucanovich, Helena, Montana, businessman; and Chairman, Floyd Hamilton, banker, Livingston, Montana.

Executive officers of the Board are located at 316 Main Street, Deer Lodge, Montana, with district offices in Missoula, Billings, Miles City, Havre, Kalispell, Butte and Great Falls.

A field staff of nine men work under the direction of Director Bob Miles. His staff also consists of an assistant director and three women employees.

Primary duties of the members of the Board are to conduct interviews and grant pardons and paroles. It holds monthly meetings for these purposes. Prior to each interview, the Institutional Parole Officer interviews the inmate, studies the records of the prison and the Board of Pardons and prepares a case history. A copy is mailed to each Board member one week before the meeting at which it will be reviewed, thus allowing the members time to familiarize themselves with the information. Each parole plan granted by the Board is then sent to the appropriate field supervisor for checking. If found to be a desirable plan, it is approved and

the inmate is released on parole.

The Board conducts hearings in each case where a parole violation has occurred and the parolee has been returned to the prison. The Board may re-parole; return the parolee to prison for additional time; or determine that the parolee shall serve in prison until discharge at the end of the sentence. In the event of a "not guilty" plea to the violation alleged, the case is set for a public hearing, and the inmate is advised that he may be represented by counsel, and the state will be represented by the Attorney General. The hearing is advertised in advance in a paper of general circulation in the county in which the alleged violation took place and an "information" as to the violation is served on the inmate and his attorney. The hearing is less formal than a trial in district court would be, with questioning of the witnesses conducted by both attorneys and the Board members. At the conclusion of the hearing a finding is made by the Board. If guilty, the case is disposed of as described in the paragraph above; if negative, the case is dismissed.

The biennial budget appropriated by the State Legislature for the Board of Pardons is:

Laws of Montana, Vol. II, 1969, p. 1261:

BOARD OF PARDONS

(1) From the general fund for:

(a) personal services	\$102,000	\$107,200
(b) operation and capital	37,500	39,000

MONTANA BOARD OF PARDONS

STATISTICS

November 12, 1969

CASELOAD OF FIELD OFFICERS.

	Montana		Out-of-State		Total
	Parole	Probation	In Montana	Probation	Monthly Caseload
September, 1968	177	354	38	66	635
September, 1969	154	426	24	60	664

INVESTIGATIONS DONE BY FIELD OFFICERS - In addition to supervising their caseloads.

	Field	Pre-		Probation	Violation	Civil	
		Sentence	Release			Rights	Total
September, 1968	6	19	21	30	47	2	125
September, 1969	2	15	27	27	61	3	135

PAROLED, DISCHARGED AND PRISON POPULATION.

	Paroled		Discharged		Prison Population
September, 1968	20		11		459
September, 1969	18		14		425

STATE OF MONTANA
BOARD OF PARDONS

OCTOBER, 1969
MONTHLY REPORT

	MONTANA PAROLE	MONTANA PROBATION	OUT-OF-STATE PAROLE	OUT-OF-STATE PROBATION	TOTAL
First of Month	154	426	24	60	664
End of Month	148	430	24	53	655
Actual Violations	12	4	0	0	16
Field Inveestigations	2				
Pre-Sentence Investigations	16				
Pre-Release Investigations	28				
Probation Investigations	16				
Violation Investigations	63				
Civil Rights Investigations	2				
TOTAL INVESTIGATIONS	127				

STATE DISTRICTS

Figures as of 10-31-69

	CASE LOAD	CHANGE FROM PREVIOUS MONTH	
1.	66	-2	
2.	59	+1	
3.	56	-5	
4.	64	+1	
5.	63	-5	
6.	135	+3	
7.	69	-1	
8.	70	+2	
9.	68	-1	
10.	5	-1	
	655	-9	

MONTANA CASES O.O.S.

Parole	171
Probation	154
TOTAL	325

TOTAL UNDER SUPERVISION

Paroled	24
Discharged	17
Prison Population	397

STATE OF MONTANA
BOARD OF PARDONS

RULES OF PAROLE AND PROBATION

1. The parolee or probationer shall be under the legal custody and control of the Board of Pardons and the District Supervisor of his assigned area.
2. The parolee or probationer shall proceed without delay to his assigned destination and report his arrival within twenty-four hours to his District Supervisor or other designated person.
3. That if paroled to a destination within this state, the parolee or probationer shall under no circumstances, remove his residence from the district or to a point outside the state without first securing permission from the Chief Parole Officer or District Parole Officer in writing.
4. That if paroled to a destination outside of the State of Montana, the parolee or probationer shall not re-enter the same without permission in writing from the Chief Parole Officer or the Board of Pardons.
5. The parolee or probationer, if paroled to a destination outside the State of Montana or if he or she leaves the confines of the State of Montana with or without permission of the Chief Parole Officer or the Board of Pardons, does waive extradition to the State of Montana and also agrees that parolee or probationer will not contest any effort by any state to return parolee or probationer to the State of Montana.
6. That the parolee or probationer shall make a monthly report on the last day of each and every month to the District Parole Officer, on blanks which will be furnished, giving information therein required, and I understand that it is my responsibility to make the first personal contact with my parole or probation supervisor who will then make arrangements for future contacts.
7. That during the parole period the parolee or probationer shall not correspond nor associate with any ex-convict nor correspond with any inmate of any penal institution, and shall not visit any penal institution, and will not associate with persons having a criminal background, bad reputation or those engaged in questionable occupations.

8. The probationer or parolee shall not carry or be in possession of any burglary tools or deadly weapons as defined by the State Statute, except, under special circumstances he may apply to the District Supervisor for a restricted game and bird hunting permit, only when this permit is granted and the proper license in his possession may firearms of any type be in the possession of the probationer or parolee.
9. That the probationer or parolee shall not use intoxicating liquors and shall abstain from the use of narcotic drugs and shall not associate with any drug addict.
10. That the parolee or probationer shall avoid evil associates and not frequent improper places of amusement, nor loiter upon the street at night, and shall respect and obey the law and at all times be a good citizen.
11. That the parolee or probationer shall not incur any unnecessary indebtedness, nor purchase an automobile without first securing the consent, in writing, of the Chief Parole Officer or District Parole Officer.
12. That the parolee or probationer shall make proper efforts to find employment and shall cooperate with his District Supervisor's efforts to find him employment, and shall support his legal dependents.
13. That the parolee or probationer shall not change residence or employment without approval in writing of the Chief Parole Officer or District Parole Officer.
14. That the parolee or probationer cannot marry or remarry without first obtaining the consent of the Chief Parole Officer or the Board of Pardons.

MONTANA BOARD OF PARDONS

STATISTICS

OCTOBER, 1969

1. Per Capita Expenditures - Fiscal Year 1967-1968.
 Incarceration costs Montana State Prison - \$346.80 per month - \$11.56 per day.
 Parole - Probation costs - \$ 65.40 per month - \$ 2.18 per day.
 County Welfare - \$220.00 per month - \$ 7.33 per day, for family of four with three children.

2. Total number received at Montana State Prison -- Calendar Year.

<u>1967</u>	- 357
<u>1968</u>	- 360

3. Parole Violators - Calendar Year.

	<u>1967</u>	<u>1968</u>
Number Paroled	- 205	205
Number Violated	- 80	46
Percentage returned as P.V.	- 39%	22%

4. Total Caseload of Field Officers - Fiscal Year.

	Montana		Out-of-State		Average Monthly Caseload
	Parole	Probation	Parole	In Montana Probation	
1966-1967	2,008	3,543	473	839	571.92
1967-1968	1,655	3,591	454	716	534.67
1968-1969	1,926	4,513	385	847	639.25

5. Parole Board Hearings - Fiscal Year.

	Total Interviews	Monthly Average	Total Released To Supervision	Monthly Average
1966-1967	385	32.08	208	17.33
1967-1968	385	31.92	213	17.75
1968-1969	337	28.08	181	15.08

MONTANA

Counties and Major Cities:

- Lincoln:** LIBBY
- Glacier:** CUTBANK
- Flathead:** KALISPELL
- Sanders:** LAKE POLSON
- Thompson Falls:** THOMPSON FALLS
- Superior:** SUPERIOR
- Mineral:** MINERAL
- Missoula:** MISSOULA
- Powell:** POWELL
- Granite:** PHILIPSBURG
- Hamilton:** HAMILTON
- Ravalli:** RAVALLI
- Deer Lodge:** DEER LODGE
- Silver Bow:** SILVER BOW
- Beaverhead:** BEAVERHEAD
- Dillon:** DILLON
- Madison:** MADISON
- Virginia City:** VIRGINIA CITY
- Gallatin:** GALLATIN
- Bozeman:** BOZEMAN
- Jefferson:** JEFFERSON
- Boulder:** BOULDER
- Helena:** HELENA
- Townsend:** TOWNSEND
- Broadwater:** BROADWATER
- Meagher:** MEAGHER
- White Sulphur Springs:** WHITE SULPHUR SPRINGS
- Marlowton:** MARLOWTON
- Wheatland:** WHEATLAND
- Golden Valley:** GOLDEN VALLEY
- Musselshell:** MUSSELSHELL
- Roundup:** ROUNDUP
- Yellowstone:** YELLOWSTONE
- Stillwater:** STILLWATER
- Columbus:** COLUMBUS
- Big Timber:** BIG TIMBER
- Sweet Grass:** SWEET GRASS
- Big Horn:** BIG HORN
- Carbon:** CARBON
- Red Lodge:** RED LODGE
- Billings:** BILLINGS
- Treasure:** TREASURE
- Rosebud:** ROSEBUD
- Forsyth:** FORSYTH
- Miles City:** MILES CITY
- Custer:** CUSTER
- Powder River:** POWDER RIVER
- Broadus:** BROADUS
- Carter:** CARTER
- Exalaka:** EXALAKA
- Fallon:** FALLON
- Baker:** BAKER
- Prairie:** PRAIRIE
- Terry:** TERRY
- Wibaux:** WIBAUX
- Glendive:** GLENDIVE
- Dawson:** DAWSON
- Circle:** CIRCLE
- McConne:** MCCONE
- Richland:** RICHLAND
- Sidney:** SIDNEY
- Roosevelt:** ROOSEVELT
- Wolf Point:** WOLF POINT
- Glasgow:** GLASGOW
- Malta:** MALTA
- Phillips:** PHILLIPS
- Blaine:** BLAINE
- Chinook:** CHINOOK
- Hill:** HILL
- Havre:** HAVRE
- Liberty:** LIBERTY
- Chester:** CHESTER
- Toole:** TOOLE
- Shelby:** SHELBY
- Pondera:** PONDERA
- Conrad:** CONRAD
- Choteau:** CHOTEAU
- Fort Benton:** FORT BENTON
- Choctaw:** CHOCTAW
- Stanford:** STANFORD
- Judith:** JUDITH
- Basin:** BASIN
- Fergus:** FERGUS
- Lewistown:** LEWISTOWN
- Petroleum:** PETROLEUM
- Winnett:** WINNETT
- Garfield:** GARFIELD
- Jordan:** JORDAN
- Vaughan:** VAUGHAN
- Valley:** VALLEY
- Daniels:** DANIELS
- Plentywood:** PLENTYWOOD
- Scobey:** SCOBAY
- Sheridan:** SHERIDAN

Numbered Stars (1-10) indicate specific locations.



	Page
7. PROSECUTION AND DEFENSE	183
a. Prosecution	183
(1) The State Attorney General's office	183
(2) Local County Attorney Offices	186
(3) City Attorneys	187
b. Defense	187
(1) Public Defender	189

7. PROSECUTION AND DEFENSE.

a. Prosecution

(1) The State Attorney General's office. Montana law establishes the office of the Attorney General and requires him to attend the Supreme Court and to prosecute or defend all causes to which the state or any officer thereof, in his official capacity, is a part, and all causes to which any county may be a party unless the interest of the county is adverse to the state, or some officer thereof acting in his official capacity. He must keep a register of all cases in which he is required to appear, which must, during business hours, be open to the inspection of the public, and must show the county, district, and court in which the cases have been instituted and tried, and whether they are civil or criminal.

If the causes are criminal, the register must show the nature of the crime, the mode of prosecution, the stage of the proceedings, and when prosecuted to sentence, a memorandum of the sentence and of the execution thereof, if the same has been executed, and if not executed, of the reason for the delay or prevention. The Attorney General is directed to exercise supervisory powers over county attorneys in all matters pertaining to the duties of their offices, and from time to time require of them reports as to the condition of public

business entrusted to their charge. When required by the public service, or when directed by the Governor, the Attorney General is to assist the county attorney of any county in the state in the discharge of his duties.

The present Attorney General's office is composed of seven attorneys, two criminal investigators, and four secretaries, in addition to the Attorney General.

FROM CLERK OF COURT - Number of cases commenced during calendar year of 1966.

(1) Total number of probate and guardianship proceedings	4,566
(2) Total number of criminal prosecutions	1,352
(3) Total number of juvenile proceedings	515
(4) Number of other civil actions	<u>12,822</u>
TOTAL	<u><u>19,255</u></u>

FROM COUNTY CLERK & RECORDER

(1) Total amount paid counsel for indigent defendants	\$ 69,541.23
-------------------------------------------------------	--------------

Budget

For fiscal year ending:

June 30, 1966	\$155,310
June 30, 1967	149,710
June 30, 1968	215,900
June 30, 1969	245,100
June 30, 1970	346,122
June 30, 1971	366,480

Number of cases from December 31, 1966 to December 31, 1968:

U. S. Supreme Court	2
Montana Supreme Court	62
U. S. Court of Appeals	1
U. S. District Court	22
Montana District Court	<u>529</u>
 TOTAL	 <u>616</u>

January 6, 1969 to December 15, 1969

Appeals, Montana Supreme Court	23
U. S. Court of Appeals	5
Federal Habeas Corpus	17
State District Court, Habeas Corpus	2
State District Court, Civil	7
Federal District Court, Civil	10
U. S. Supreme Court, Amicus Curiae	2
Admin. Appeals to U. S. District Court	1

Official Opinions:

Robert L. Woodahl	15
 Extradition	 103
Escheated Estates	64
Carry-over cases	15
New cases	41
Pending contested cases	6
Remanded from U. S. Supreme Court to State District Court and now in Montana Supreme Court	1
Montana Supreme Court	1

An examination of the biennial report of this office for the years 1964 to 1966 shows that during this time period the office represented the state in 726 cases before Montana and Federal courts, of which 81 were criminal in nature. The assistance provided by this office to county attorneys and to law enforcement

agencies of the state has already been detailed above.

(2) Local County Attorney Offices. The county attorney is an elected official of each of the state's 56 counties. State law directs him to attend the district court and conduct, on behalf of the state, all prosecutions for public offenses and represent the state in all matters and proceedings to which it is a party, or in which it may be beneficially interested, at all times and in all places within the limits of his county. He is directed to institute proceedings before magistrates for the arrest of persons charged with or reasonably suspected of public offenses, when he has information that such offenses have been committed, and for that purpose, whenever not otherwise officially engaged, he must attend upon the magistrate in cases of arrest, and attend before and give advice to the grand jury whenever cases are presented to them for their consideration. He must draw all indictments and informations, defend all suits brought against the state or his county, and if ordered by the Attorney General to do so, he must promptly institute and diligently prosecute in the proper court, in the name of the State of Montana, any criminal or civil action or special proceeding.

The approximate figure expended on law enforcement by the county attorney officers per annum is \$480,140.

(3) City Attorneys. City attorneys are selected for office by the mayor or city manager of cities and towns, and by and with the consent of the city council. It is the duty of this officer to attend before the police court and other courts of the city and the district court, and prosecute on behalf of the city. He is directed by law to do and perform such other acts as pertain to the office of the city or corporation council. He shall, when required, draw for the use of the council contracts and ordinances for the government of the city.

The above three offices represent the people of the state in criminal matters before the state's courts.

b. Defense

Montana law has for many years required the appointment of counsel for indigent criminal defendants. Present statutes provide that every defendant brought before the court must be informed by the court that it is his right to have counsel before proceedings and must be asked if he desires the aid of counsel. The defendant, if charged with a felony, and unable to afford counsel, will be furnished with one at state expense. If the offense is a misdemeanor and the defendant desires counsel but cannot employ one, counsel may be assigned to him by a court of record.

The right of counsel may be waived except in felony cases where the defendant is under 18 years of age, in

which case he will be represented by counsel at all proceedings.

Assignment of counsel is effective until the final judgment, including any proceeding upon direct appeal, unless relieved by order of the court.

A recent change in the criminal procedure of the state as authorized for the first time the creation of local public defender offices. Shortly after the effective date of this new change the first defender office was established in Helena, Montana, to serve Lewis and Clark County. Three additional offices have recently been established in Cascade, Flathead and Missoula Counties. While Montana has always been an assigned counsel state, many representatives of both bench and bar believe that this program, if it can be made to function properly, will be a tremendous improvement in the administration of justice in Montana. In many courts it has been traditional that the youngest lawyers in the district, many without much experience before either the criminal or civil bar, have been appointed to defend criminal defendants. While the attorneys appointed to fill the three public defender offices are also young and inexperienced, it is felt that their workload will cause them to rapidly become skilled in the increasingly complex field of criminal law. Officials in other counties are watching these public defender operations with interest, and if they

prove successful, it is likely that the system will soon spread to other areas in Montana.

(1) Public Defender. The first public defender project was started in Lewis and Clark County in 1968. The project there is now in its third year. Silver Bow County is now looking into the possibility of starting a public defender project. This would bring the total to five counties.

In 1968, the Lewis and Clark County Public Defender handled 51 new cases which were chiefly felonies with some juvenile cases and a few misdemeanors. The work averaged about 50 hours per month. The salary was not set but averaged about \$350 per month. The salary is now set at a maximum of \$500 per month with additional allowances for mileage and per diem, etc.

The Montana Defender Project in an effort to assist these offices, has provided and is continuing to provide both investigative and legal research assistance to the staff attorneys both during the school year and in the summer months. It is the opinion of the project staff that once the skills of the staff attorney are developed in the areas of criminal law and procedure the level of justice accorded to his clients will be far better than the current norm. The Project also intends to begin on an authoritative work on Montana criminal law and procedure to provide the defender officers with a guide for their profession.

As has been mentioned before, the Montana Defender Project provides post conviction services to inmates of the Montana State Prison at Deer Lodge. These services include representation of inmates by law students before the Sentence Review Division of the Montana Supreme Court. This Board, composed of three district judges, reviews prisoners' sentences during the first year of incarceration at the prisoner's request, and may increase or decrease the sentence originally imposed.

	Page
8. COURT SYSTEM	192
a. The Supreme Court	192
b. District Courts	192
c. Inferior Courts	193
d. The System in Operation	193
e. 1966 Supreme Court Study	194
f. The Work Load of the Justice Courts	198
g. The Work of Police Judges	199

8. COURT SYSTEM.

a. The Supreme Court

As the Constitution of Montana provides, there exists a hierarchy of three courts in this state. The Supreme Court is the highest court in the state; it handles appeals from cases decided in the lower district court. In addition to this appellate jurisdiction, the Supreme Court also has some limited original jurisdiction. The powers of this original jurisdiction lie mainly in the issuance of some extraordinary writs and the exercise of general supervision over the lower courts of the state. This power of supervision of the inferior courts is limited, ordinarily, to the prevention of abuses of discretion by the lower courts.

b. District Courts

In the judicial establishment of Montana, the district courts occupy the second level. There are 18 judicial districts, with 1 to 3 judges for each district. The total number of district judges for Montana is 28. The primary function of the district courts is that of general trial jurisdiction. Included in the criminal jurisdiction of these courts are all felony cases and all cases of misdemeanor not handled in another part of the judicial system.

c. Inferior Courts

The lowest courts in the judicial establishment of Montana are the police courts and justice of the peace courts. In civil cases the justice courts have limited jurisdiction. The criminal jurisdiction of the justice courts is limited to misdemeanors punishable by a fine not exceeding \$500 or imprisonment not exceeding 6 months or both; concurrently with district courts, all misdemeanors punishable by a fine only, not exceeding \$1,500; and acting as examining and committing courts and conducting preliminary hearings for such purpose.

The Constitution of Montana provides for the creation of police and municipal courts for the towns of the state, through legislative action. These police courts have been established by legislative enactment. The civil jurisdiction of these courts extends to collection or recovery of money or property owed to the city or town, if the value of that money or property does not exceed \$300. The police and municipal courts also have exclusive jurisdiction of violations of city ordinances; they have concurrent jurisdiction with justice courts over specific crimes according to statute.

d. The System in Operation

Looking first at the district courts, it can be seen by the great population differentials between judicial districts that this area of our judicial system

is not at all evenly balanced or fairly apportioned. One district has a population of over 104,000, while another has just over 11,000. There is, as a consequence of this uneven population distribution, a great caseload differential.

e. 1966 Supreme Court Study

In 1966 there were 184 justices of the peace in Montana and 104 police judges of whom 56 acted in the dual capacity by presiding over both courts. This gives a total of 232 inferior court judges.

In 1966, justices who were on a fixed salary earned \$94,000 and those on fees earned at least \$68,795.60. All police judges are salaried and they were paid \$76,879.12. Total compensation for both judges and justices was \$239,674.22.

Salaries of justices of the peace in townships with a population in excess of 10,000 people have received a raise through the last Legislature, \$4,200 is the minimum and \$5,500 is the yearly maximum for larger cities.

The only means of changing judicial districts or the number of judges per district is by legislative enactment. The Montana Legislature meets only once every two years. Except for the work of the Montana Citizens for Court Improvement, there is no on-going study of the judicial needs of the state. Therefore, any judicial change by the Legislature is very difficult to obtain.

PRESENT JUDICIAL DISTRICTS WITH 1966 CASE LOADS

District	No. Judges	Counties	Population	Area ¹ Sq. Miles	County ² Case Load	District Case Load	Judge Case Load
1	2	Lewis and Clark	28,006	3,466	953		
		Broadwater	2,804	1,198	117	1,070	535
2	2	Silver Bow	46,454	716	1,445	1,445	722
3	1	Powell	7,002	2,337	206		
		Granite	3,014	1,733	85	679	679
		Deer Lodge	18,640	738	388		
4	3	Missoula	44,663	2,613	1,650		
		Mineral	3,037	1,223	104		
		Lake	13,104	1,500	429	2,704	901
		Ravalli	12,341	2,384	359		
		Sanders	6,880	2,799	162		
5	1	Beaverhead	7,194	5,556	186		
		Jefferson	4,297	1,651	59	409	409
		Madison	5,211	3,530	164		
6	1	Park	13,168	2,627	360		
		Sweet Grass	3,290	1,846	99	459	459
7	1	Dawson	12,314	2,358	294		
		McCone	3,321	2,594	103		
		Richland	10,504	2,065	481	933	933
		Wibaux	1,698	889	55		
8	3	Cascade	73,418	2,659	4,110		
		Chouteau	7,348	3,920	164	4,274	1,427
9	1	Teton	7,295	2,294	128		
		Pondera	7,653	1,643	120		
		Toole	7,904	1,950	305	893	893
		Glacier	11,565	2,974	340		

¹Figures are from the World Almanac and Book of Facts, 1967, and the population is that of 1960.

²Figures are for the calendar year 1966, and are those submitted by county attorneys in response to questionnaires of the Montana Supreme Court.

PRESENT JUDICIAL DISTRICTS WITH 1966 CASE LOADS

District	No. Judges	Counties	Population	Area Sq. Miles	County Case Load	District Case Load	Judge Case Load
10	1	Fergus	14,018	4,244	390		
		Judith Basin	3,085	1,880	62	470	470
		Petroleum	894	1,650	18		
11	2	Flathead	32,965	5,140	892		
		Lincoln	12,537	3,715	342	1,234	617
12	1	Liberty	2,624	1,439	45		
		Hill	18,653	2,926	376	554	554
		Blaine	8,091	4,267	133		
13	3	Yellowstone	79,016	2,635	3,505		
		Big Horn	10,007	5,033	286		
		Carbon	8,317	2,070	210	4,184	1,395
		Stillwater	5,526	1,797	148		
		Treasure	1,345	984	35		
14	1	Meagher	2,616	2,354	95		
		Wheatland	3,026	1,422	69		
		Golden Valley	1,203	1,178	22	317	317
		Musselshell	4,888	1,886	131		
15	1	Roosevelt	11,731	2,385	329	534	534
		Daniels	3,755	1,443	77		
		Sheridan	6,458	1,700	128		
16	2	Custer	13,227	3,765	357		
		Carter	2,493	3,313	51		
		Fallon	3,997	1,633	94	799	399
		Prairie	2,318	1,727	46		
		Powder River	2,485	3,285	44		
		Garfield	1,981	4,595	30		
		Rosebud	6,187	5,032	177		
17	1	Phillips	6,027	5,228	130		
		Valley	17,080	4,961	368	498	498
18	1	Gallatin	26,045	2,517	724	724	724

Regarding the lower justice and police courts, the Montana Supreme Court spoke over fifty years ago of the plan to make justice courts open and serviceable to the people, where justice may proceed without hiring attorneys. However, the complexity of today's society has led to the business of the courts becoming far more technical and involved than was foreseen fifty years ago. It is apparent that if justice is to be provided fairly and efficiently today without employing attorneys, there must be trained, capable judges even in the inferior courts. Since no training or professional qualification is demanded for justice or police judges today, it is clear that such is not the case.

Another obstacle to the fair disposition of justice is the fee basis for compensation of some justices of the peace. Those justices in townships of less than 10,000 people may retain fees as their compensation; this seems to include approximately 85 per cent of the justices of the peace in Montana. The amount which can be earned by these justices is certainly limited, so most of these are only part-time judges. Since the constitution requires two justices in each township, it develops that the prosecuting officer can select the judge before whom he takes his cases, and thus control the income of the judges. It is not in the best interest of justice that the arresting officers have such influence over these lower courts.

In practice, it is found that the main function of these lower courts is that of traffic courts. The justice of the peace courts handle those traffic offenses committed outside city limits. The main function of the police courts resides in the handling of violations of municipal ordinances, especially violations of municipal traffic ordinances.

f. The Work Load of the Justice Courts

In 1967, the Supreme Court attempted to make a comprehensive study of the operations and work loads of the justice courts. One hundred forty-one justices (of the total 184) responded to questionnaires concerning the function of their courts during 1966. Questions were asked about the work load of the courts in both civil and criminal fields. The justice courts in this state appear to be relatively inactive in the civil field; they function mostly as misdemeanor courts for traffic offenses. There is much more work done in the criminal field; this does not, however, consist of trial work, but rather of administrative disposition of misdemeanor offenses--mostly traffic offenses. Some courts reported no criminal trial of any kind; of those that did report trials, there were more than twice as many trials on traffic offenses than on any others. From the statistics gathered, it is inferred that the trial ratio in all criminal cases in the justice courts is less than 15 per cent of all cases filed. Those

trials for non-traffic offenses seemed to be centered in courts of the county seat, subsequently handled by the county attorney as prosecutor.

g. The Work of Police Judges

Since police courts have minimal jurisdiction in civil cases, the questionnaire of the Supreme Court was directed to criminal case work in the police courts. 64 of 85 police judges responded.

There is very little trial work done in these courts; there is much more administrative disposition of offenses--the trial rate is less than 4 per cent for traffic cases. For offenses other than traffic violations, the reports showed about 20 per cent trial ratio. Since, however, many judges report as "trials" any proceeding beyond a bond default, the 20 per cent figure is an overstatement. The combined trial rate for all offenses was only 6 per cent. The work load of these police courts is very similar to the justice courts, although they do handle a somewhat higher load of non-traffic misdemeanors.

SECTION C

Page

THE MULTI-YEAR PLAN

1. GENERAL STATEMENT	207
2. MULTI-YEAR AND FINANCIAL PLAN (incorporated within the General Statement)	
3. MULTI-YEAR FORECAST OF RESULTS AND ACCOMPLISHMENTS	241

